ROMANÆ HISTORIAE ANTHOLOGIA RECOGNITA ET AVCTA.

AN

ENGLISH EXPOSITION

OF THE ROMAN ANTIquities, wherein many Roman & English offices are paralleld and divers obscure phrases explained.

For the use of ABINGDON *Schools.*

Newly revised and inlarged by the Author.

OXFORD,
Printed by *Leonard Lichfield* for *Henry Crypps*. 1638.

ROMAN HISTORICAL MYTHOLOGY

VIRO COLENDISSIMO

Dº IOANNI YOUNG SS. THEOLOGIÆ DOCTORI, ET Ecclesiæ WINTONIENSIS *Decano Ornatissimo.*

Εὐδαιμονέσταται διάγειν,

Vir Ornatißime,

NON liberi quàm libri pluribus exponi periculis solent, cùm primum prodeant in lucem: utrisq; pariter opus est tutelari aliquo numine obstetricante. Hoc olim sensit Anthologia hæc nostra primum edita: idem sentit eadem in hodierna duarum sectionum, & capitulorum aliquot superfœtatione. Nacta igitur secundas suas cogitationes te ambit Patronum, qui facem aliquam mihi in his antiquitatibus obambulanti

ROMANÆ
HISTORIAE
ANTHOLOGIA
RECOGNITA ET
AUCTA
AB

VIRO COLENDISSIMO

D^o IOANNI YOUNG SS. THEOLOGIÆ DOCTORI, ET Ecclesiæ WINTONIENSIS *Decano Ornatissimo.*

Εὐδαιμονίαν καὶ διαγωγὴν,

Vir Ornatißime,

NON liberi quàm libri pluribus exponi periculis solent, cùm primum prodeant in lucem: utriq; pariter opus est tutelari aliquo numine obstetricante. Hoc olim sensit Anthologia hæc nostra primum edita: idem sentit eadem in hodierna duarum sectionum, & capitulorum aliquot superfœtatione. Nacta igitur secundas suas cogitationes te ambit Patronum, qui facem aliquam mihi in his antiquitatibus obambulanti

bulam præcultis, & quem multū fuisse in studiis meis promovedis, palam & sub Dio prædico videbis me aliquoties alium à doctissimis viris, & ab illorum sententiis alienum. Veritate enim præponderante, nullus apud me Plato, nullus erit Aristoteles, (nolo ego istiusmodi insaniam insanire, utcunque splendidam & *autoritativam*) Cæterum tacitus hoc facio, & apud me, citra omnem velitationis pulverem, rarò admodum quovis protracto in arenam, ne videar ex illorum numero, qui ex nuda pugna cum adversario aliquo eximio commissa, gloriolæ nescio quos fumos sibi pollicentur. Hæc scribendi ratio si tibi placeat, alios non moror, quibus si simplex veritas non arriserit, cum magnis nominibus deviare per me licebit. Vale, & meas Musas, ut soleas, ama; illæ, quod jam faciunt, te colent semper, & omni obsequio prosequentur. *Datum Abindonia* 14. *Calend. Decemb. An.* [illegible] 1612

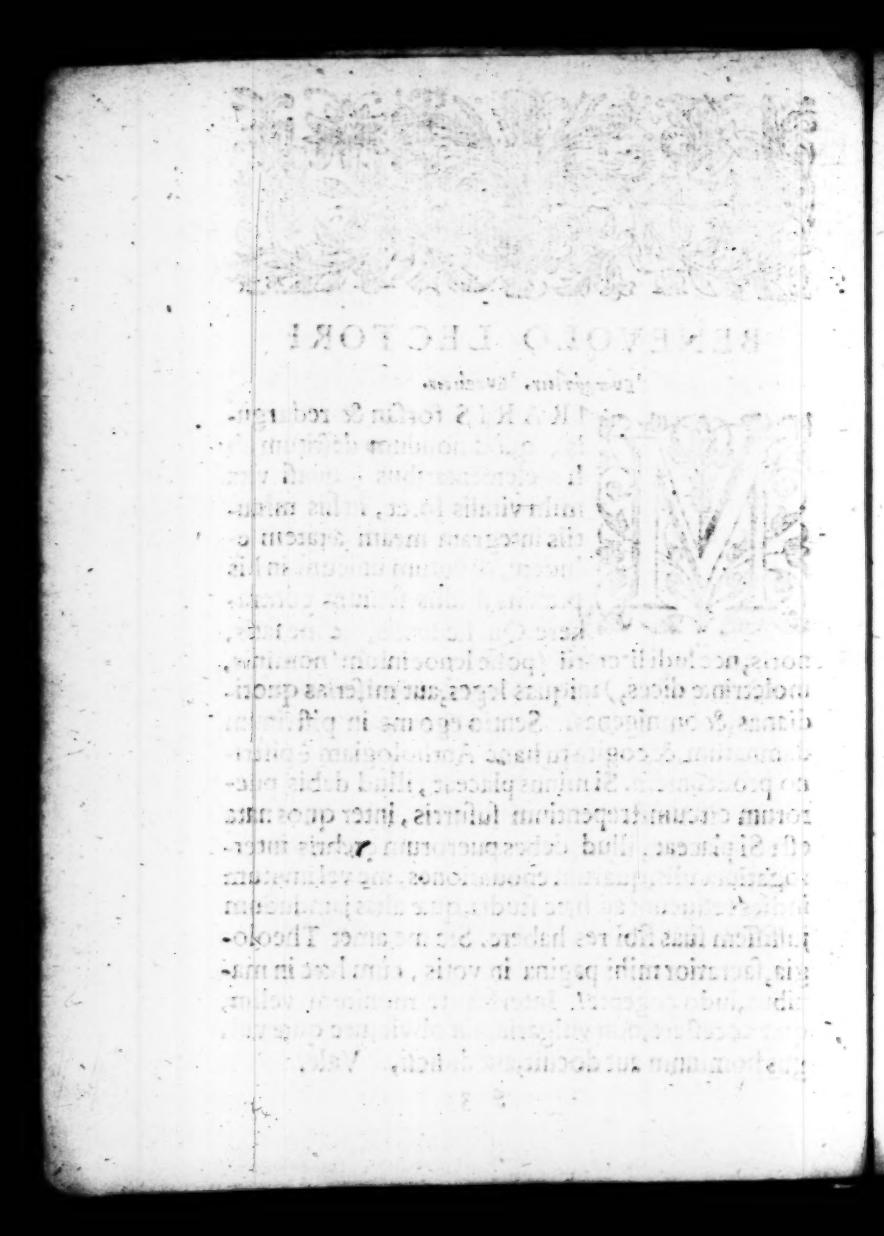
Dignitati tuæ
multiplici nexu mancipatus,

THO: GODWYN

BENEVOLO LECTORI

Εὐμενέστατον, Εὐκείνην.

MIRARIS forsan & redarguis, quòd nondum destitum ab his elementaribus; quasi vita mihi vitalis foret, in his minutiis integram meam ætatem eludere, & votum unicum in his prævviis studiis senium contrahere. Qui sic sentis, nec me satis, noris, nec ludi literarii (pone lenocinium nominis, moletrinæ dices,) iniquas leges, aut miserias quotidianas, & omnigenas. Sentio ego me in pistrinum damnatum, & cogita tu hanc Anthologiam è pistrino prodeuntem. Si minus placeat, illud dabis puerorum circumstrepentium susurris, inter quos nata est: Si placeat, illud debes puerorum crebris interrogatiunculis, quarum enodationes, me vel invitum indies reducunt ad hæc studia, quæ alias jamdudum jussissem suas sibi res habere. Sic me amet Theologia, sacratior mihi pagina in votis, cùm hæc in manibus, ludo cogente! Interim te monitum velim, quæ accessere, non vulgaria, aut obvia, nec quæ vulgus hominum aut docuit, aut didicit. Vale.



A ſhort Table ſhewing the Argument of *every Book and Section.*

Lib.

- 1 *Of the Roman city. Sect.*
  - 1 *Of the chiefe parts thereof.*
  - 2 *Of the generall diviſions of the Roman people.*
- 2 *Of the Roman Religion. Sect.*
  - 1 *Of certaine generall diviſions of their Gods.*
  - 2 *Of their Roman Prieſts with ſome particular Gods, together with their rites in marriages and burials.*
  - 3 *Of the Roman games, which endeth with their manner of taking meat.*
- 3 *Of the ſtate politicall. Sect.*
  - 1 *Of their Aſſemblies called Comitia, which Section is begun with the Roman yeare, concluded with two Chapters of Roman Garments.*
  - 2 *Of their civill Magiſtrates.*
  - 3 *Of their civill puniſhments.*
  - 4 *Of all thoſe lawes which I have obſerved to be touched in Tully his Orations.*
- 4 *Of the art military, as it was practiſed by the Romans. Cap.*
  - 1 *Of their manner obſerved in eſtabliſhing their leagues.*
  - 2 *Of the Roman Legion and the parts thereof.*
  - 3 *Of the manner of beſieging a city.*
  - 4 *Of the puniſhments towards their enemies captivated.*
  - 5 *Of puniſhments towards the Roman ſouldiers offending.*
  - 6 *Of certain rewards after the performance of any noble exploits.*

A more Table shewing the Argument of

1 Of the chief parts thereof.

2 Of the general divisions of the Roman

THE ROMANE ANTIQVITIES

Expounded in Engliſh.

LIB. I. SECT. I.

Of the chiefe parts of the City.

CAP. I.

De modo condendarum, delendarumq; Vrbium.

BEfore we handle the deſcription of the particular places in the Roman City, it will not be amiſs to premiſe ſome what concerning the ancient manner of building and razing Cities. In the building of Cities, the founders thereof did uſually conſult with their Gods in their *Augurall* obſervations; and [a] this courſe was obſerved by *Romulus* himſelfe, in the firſt foundation of *Rome*: After their *Augurall* obſervations, they marked out the place where the wall of the City ſhould be built, by plowing up the ground, and becauſe they left that ſpace of ground unplowed, lightly lifting the plough over it, where they appointed

[a] M. Tullius lib. 1. de divinat.

pointed the gate of the city, thence *à portando*, from carying and lifting the plough, they called the gate *Porta*. This cu-
[b] M. Cato in fragm. stome is fully described by [b] *Cato*: *Captato augurio, qui urbem novam condebat, tauro & vaccâ arabat: ubi arâsset, murum faciebat, ubi portam volebat esse, aratrum tollebat & portam vocabat.* *Virgil* also alludeth unto it,

Interea Æneas urbem designat aratro.

The manner hereof was, that he who held the plough, did cast up the skirt of his gowne on the right shoulder, and gird himselfe about, either because this was the usuall habit of such who performed holy rites; (in the number of which this present action was reputed) or that he might the more readily addresse himselfe to the businesse; or lastly, that he might symbolically by that pacifical habit intimate, that the flourishing estate of a City is not so much preserved by warre, as by peace. Hence *Ovid lib. 4. Fastorum*,

Ipse tenens stivam, designat mœnia sulco,
Albaque inguinibus nivea cum bove vacca tulit.

[c] Cœl. Rhod. antiq. lib. 26. cap. 5. The [c] like custome was used also in the razing or demolishing of Cities, when they had been vanquished by the enemies: which observation giveth light to that of *Horace*, Lib. 1, Od. 16.

——— urbibus ultimæ
Stetêre causæ, cùm perirent
Funditus, imprimeret & muris
Hostile aratrum exercitus insolens.

CAP. 2.

De monte Palatino.

[d] Vid. Anton. Constantium in Ovid. Fast. lib. 1. TOuching the name of *Rome*, from what occasion the City should be so denominated, divers authors conceit diversly. [d] Some are of opinion, that this City was built long before *Æneas* came out of *Troy*, & was then called by the

the Latines, *Valentia*, which was a name of strength, whence *Evander* comming into *Italy*, called it *Roma* from *ἰσχὺς Robur*. Others say, it was so called from *Ascanius* his daughter, whose name was *Roma*. But it is agreed upon by most writers, that the Founders were *Romulus* and *Remus*, and from *Romulus* it was called *Roma*, not *Romula*, because the diminitive, *Romula*, might ominate lesse prosperity thereunto.[e] Some say, that they built it in forme of a quadrangle, upon one only hill, called *Mons Palatinus*.[f] Others say, that *Fabius* left *Rome* as it was first built, with the fields thereof, painted in the forme of a bow, the river *Tiber* being the string thereof. Vpon this *Palatine* hill was alwaies the seat of the Roman Empire, which from the hill took the denomination of a Pallace: & hence all stately buildings which we call Pallaces, took their name, *Palatia*. This hill had his first appellation[h] *Balatinus à Balando*, from the bellowing of cattle pasturing there in former times, & afterwards the first letter being changed, it was called *Palatinus*: by the figure *ἀπὸ τοῦ ναυτικοῦ*. *Virgil* seemeth to be of opinion, that the hill was called *Palatinus* by *Evander*, in remembrance of his grandfather, whose name was *Pallus*, according to that,

---- *Posuere in montibus urbem,*
Pallantis proavi de nomine Palanteum. Virg. Æneid. l. 8.

In processe of time six other hills by severall Kings of *Rome* were added, whereby the City, and the *Pomerium*, that is, the territories of the City were enlarged, and *Rome* called *Vrbs septi-collis, id est* the City upon seven hills.

Sed qua de septem totum circumspicit orbem
Montibus, imperij Roma deumq; locus. Ovid. Trist. lib. 1. Eleg. 4.

Vpon this *Palatine* hill also stood the *Asylum*, or sanctuary of refuge, which *Romulus* opened[i] in imitation of *Cadmus*, who at the building of *Thebes* was said to have opened a sanctuary of refuge, whither whatsoever malefactor could escape, were he bond or free, he was not to be punished. It was much

e Rosin. antiq. lib. 1. cap. 2.
f Sigon. de jur. Romã. l. 1. c. 2.
g Rosin. antiq. lib. 1. cap. 4.
h Vid. Servium in Æneid. lib. 8.
i Alex. Gen. dier. l. 3. c. 20. ubi plura lectione digna de Asylis.

much like unto a custome of the people in the City *Croton* who flying unto the altars of their Gods, obtained the forgivenesse of faults not voluntarily committed. Whence these two phrases are expounded alike, *Ad te tanquam ad Asylum*, and *Ad te tanquam ad aram confugimus, id est*, We fly unto thee as our only refuge.

Cap. 3.

De monte Capitolino.

THis hill was famous for three names: it was called *Capitolium, mons Tarpeius*, and *mons Saturni*; It was named *Saturnes* hill [k] from the heathenish God *Saturne*, who vouchsafed to undertake the protection of that place. It was named the *Tarpeian* hill [l] from *Tarpeia* one of the Vestall Nuns, daughter to the chief keeper of the Capitoll, (this hill being the Castle of defence for the whole town) for this *Tarpeia* betrayed the Capitoll into the enemies hands, bargaining to have the golden bracelets upon her enemies left hands, for this her treason. Now the enemies when they were admitted in, did cast not their bracelets alone, but their bucklers also upon her, through the weight whereof she was pressed to death: upon which occasion the whole hill was afterwards called, the *Tarpeian* mount; but more principally a certain rock of that hill called *Tarpeia rupes*, from whence malefactors were sundry times tumbled headlong. The fame was likewise called the *Capitoll*, because when the foundation of a certain Temple, built in the honour of *Iupiter* was laid; a mans head, full fresh and lively, as if it had been lately buried, [m] yea hot blood issuing out of it, was found there. [n] *Arnobius* saith, that the name of this man being alive was *Tolus*, and hence from *Caput* and *Tolus*, the whole hill was called *Capitolium*.

k Rosin. antiq. lib. 1. c. 5.

l Plutarch. in Romulo.

m Dion Halicar. lib. 4.

n Lipsius de magnitud. Rom. cap. 5.

Cap. 4.

De colle Quirinali.

THis hill being in former time called *Agonalis*, then began to be called *Quirinalis*, when certain *Sabines*, called in Latine *Curetes*, came & inhabited there, (truce being made between the *Romanes* and the *Sabines*) though some would therefore have it named *Quirinalis*, because there was a Temple erected in the honour of *Romulus*, called also *Quirinus*. It was called in the time of the Emperours, *mons Caballus*, that is, the horse-hill, taking its denomination from two marble statues of *Alexander* taming his horse *Bucephalus*: which statues *Constantine* the Emperour brought to *Rome*, and placed them in the midst of certain bathes, which he made upon this hill. There doe appeare in this hill three risings, or hillocks; the one being called *Salutaris*, the other *Martialis*, & the third *Latinus*. All this may be collected out of [o] *Rosinus*.

o Antiq. Rom. l. 1. c. 6.

Cap. 5.

De monte Cælio.

THis hill hath his name from a certaine [p] Captaine of *Hetruria*, which assisted *Romulus* against the *Sabines*. On this hill, King *Tullus Hostilius* erected stately edifices, which for a time served at his Palace: but afterward they became the chiefe Councell-house, whither the *Senatours* assembled themselves, for the determining of State-matters: and because this *Curia*, did farre exceed all others, therfore Authors many times use this word [q] *Curia* simply, without any adjunction, to signify *Curiam Hostiliam*, as if there were no other. It much resembleth our Privy-councell

p Alex. Gen. dier. l. 6. c. 12.

q Alex. Gen. dier. l. 1. c. 16.

Chamber, in respect that none might sit there, but only *Senators*; whereas in the Court-house, which *Pompey* built (being therefore called *Curia Pompeia*) other City Magistrates were admitted amongst the *Senators*: and in *Curia Iulia*, *idest* the Court-house which *Iulius* made, were examined forreigne matters, as Embassages: but in *Curia Hostilia* domesticall matters only were treated of, and that only by the *Senators*. At this present time, this hill is beautified with many Christian Churches, as the Churches of S. *Stephen*, S. *Paul*, and S. *John*, our Saviours Hospitall, &c. It was also called *Mons Querculanus*, from the abundance of oakes growing there.

[l] Rosin antiq. lib. 7. c. 6.

[f] Rosin Ibid.

[t] Munster. in sua Cosmog. lib. 2 cap. 9

[u] Alex. Gen. dier. l. 6. c. 11.

CAP. 6.

De monte Esquilino.

[x] Rosin. antiq. lib. 1. cap. 8.

THis hill was so named *quasi excubinus*, *ab excubiis*, *id est*, from the night watching, which *Romulus* did undertake upon that, somewhat distrusting the fidelity of the *Sabines*, in the begining of their league. In this hill there were three hillocks, named, *Cispius*, *Oppius*, & *Septimius*.

CAP. 7.

De monte Aventino.

[a] Alex. Gen. dier. l. 6. c. 11.

THe *Aventine* mount, took his name [a] from *Aventinus*, a certaine King of *Albanum*, which was there buried. Vpon this hill stood *Hercules* his Altar, and certain Temples consecrated to *Iuno*, *Diana*, *Minerva*, *Lucina*, and *Murcia*, *id est*, *Venus*: whence the hill hath sometimes been called *Diana* her hill, and *mons Murcius*. Vpon this Mount *Remus* would have built *Rome*, and therefore it was called *Remonius mons*: but since it hath been called *Mont-*

[b] Plutarch. in Romulo.

Rig-

Equarius, as it appeareth by *Plut.* in the same place. It had moreover the name of the *Holy Mount*, being called in Latine *Mons sacer*.

CAP. 8.

De monte Viminali.

BEcause of the abundance of wicker twigs, which did grow upon this hill, it was called *Mons viminalis*, *vimen* signifying a twigge or osier. I am not ignorant, that some would have this hill to be named *Viminalis*, from *Iupiter Viminius*, whereas *Iupiter* himselfe was named *Viminius* from this hill, because he had here many altars erected in the honour of him. Both this hill, and *Iupiter*, were called *Fagutales*, from *sylva fagea*, *id est*, a wood of Beech-trees, which did grow thereupon. *Vid. Rosin. Antiq. lib. 1. cap. 9.*

CAP. 9.

De tribus collibus adiectis.

THree other hills there were, which in proces of time were added unto the City, which partly because they were not included within the *Pomerium* so soone as the other, but chiefly because they were not of such note, therefore *Rome* retained the name *Septi-collis*. The first of those hills was called *Collis Hortulorum*, *id est*, the hill of Gardens, so termed because of the many gardens neere adioyning. [d] Here was the *Cirque*, or the shew-place of the strumpet *Flora*, which made the people of *Rome* heire to those goods which she had gotten by prostituting her body to young Gentlemen, leaving also a certain summe of mony to procure a celebration of her birth-day: which because of her infamie, the people shaming to doe, they feigned her to be the

[c] Rosin. Ant. lib. 1. cap. 11.

[d] Barthol. Latomus in Verrin. Orat. 7.

the Goddesse of flowers, & that she must be first appeased, by sports and plaies, performed in the honour of her, before the trees and fruits of the earth would prosper; * and that they might gaine the better credit unto this their fable, they adde farther, that she was once called *Chloris*, & was married unto *Zephyrus*, from whom by way of dowry she received power over the flowers. The second was called *Janiculus*, from *Janus* that two faced God: who, as writers testifie, was there buried. It did lye beyond the river *Tiber*, and hath now changed its name, being called from the yellow sands, *Mons aureus*, & through negligence of the Printer, *Mons aurius*, id est, the Goldon Mountain. The third was famous for the many divinations, and prophecies, uttered upon it, and thence was it named *Vaticanus* from *Vaticinium*, a fore-telling. ‡ It is at this time famous for a Library in it, called *Bibliotheca Vaticana*.

* Lactant. de fal. relig. lib. 1. cap. 20.

‡ Munster in sua Cosmogr. lib. 2. cap. 9.

Cap. 10.

De Foro Romano.

Forum hath diverse acceptions: sometimes it is taken for a place of negotiation, or merchandising, which we call a market-place: and being taken in this sense, it hath commonly some adjective joyned with it, as *Forum boarium*, the beast-market, *Forum piscarium*, the fish-market, *Olitorium forum*, the herb-market: other times it is taken for any place, where soever the chiefe governor of a Province doth convocate his people together, there to give judgement according to the course in law: whence a man is said, *Forum agere*, § when he keepes the Assises, & *Forum indicere*, when he appoints the place where the Assises shall be kept. Thirdly, it is taken for a place, where controversies in law are judicially determined, & Orations are had unto the people. At first, of this sort were only three, *Romanum*, *Julium*

§ Rubertus in Cip. lib. 3. epistam. 6.

um, & *Augustũ*, as is clearly evidenced by that of *Martial*,

Aig, erit in triplici par mihi nemo foro.

Afterward the number was increased to six distinct *Forums*: One called *Forum Iulium*, because it was built by *Iulius Cæsar*. A second was added by *Octavius Augustus*, called therefore *Augusti Forum*. The third *Forum*, was founded by *Domitian* the Emperour: but by reason of his sudden death, *Nerva* had the finishing thereof. It had the name of *Forum Transitorium*, the transitory *Forum*, because there was *Transitus*, *id est*, a way or passage through it into three severall market-places. The same *Martial* calleth it sometimes [b] *Forum Palladium*, because in the middle thereof a Temple was erected in the honour of *Minerva*. A fourth was added by the Emperour *Trajanus*, wherein was erected a stately columne or pillar 140 cubits high, having all the noble exploits performed by *Trajanus* engraven in it: Another was called *Salustii forum*, because *Salust* bought it with divers Gardens adjoyning, which since haue been called *horti Salustini*. The last *Forum*, which indeed was first built, and in all respects excelled the rest, was called *Forum Romanum*, and *Forum vetus*, or by way of excellency the *Forum*, as if there were no other *Forum*: where we must understand, that as often as *Forum* is used in this latter sense, namely for a pleading place, it is so used figuratiuely, by the figure Synecdoche: for in truth the pleading place, wherein Orations were had, was but one part of the *Forum Romanum*, namely that Chappell, or great building, which they called *Rostra*. [i] Round about this *Forum Romanum*, were built certain tradesmens shops, which they termed *Taberne*, and also other stately buildings, called *Basilica Pauli*. Here was the *Comitium*, or Hall of justice; the *Rostra*, *id est*, the Orators Pulpit; *Saturnes* Sanctuary, or the common treasure-house: and *Castors* Temple; of all which in their order.

[b] Lipsius de magnitud. Rom. l. 3. c. 7.

[i] Hen. Salmuth. in Pancirol. lib. rerum deperdit. cap de basil. & taber.

CAP. 11.

De Basilicis.

Basilica were upper buildings, of great state and much cost, being supported with *Pilæ, id est*, flat sided pillars, and having underneath them walkes, much resembling our Cloisters, saving that the *Intercolumnia*, or space betweene the pillars lay open unto the very ground. That they were upper buildings may be collected by the custome of many men, which were wont to walke under these Basilicall buildings, and therefore were called, *Subbasilicani* by *Plautus*. The use of these were principally for the Iudges to sit in judgement, but in their absence it was lawfull for Merchants to deale in their businesse. Those of chiefe note were three, thus named, *Fabii, Porcia*, and *Iulia*.

Sigon. de judiciis lib. 1. cap. 28.

CAP. 12.

De Comitio.

Comitium was a part of the *Forum Romanum*, being a great large hall of justice, which for long time was open at the top, having no covering, and for that reason the assemblies were often dissolved in rainy, or unseasonable weather. In it stood the *Tribunall*, being a place erected up on high in forme of our pulpits, but many degrees larger, and in the midst thereof, the *Sella Curulis, id est*, the Ivory chaire, frō whence the chief Magistrate administred justice, other inferior Magistrats sitting on benches on each side, which were called *Subsellia*, because they were lower the the Tribunal. Those which sate upon these benches had power *cognoscere*, but not *pronunciare*; much like to our Iustices at Assises, which may examine or informe against a male-

Sig. de jud. lib. 1. cap. 7.

malefactor, but not condemne him. where we may obserue the difference betweene *Comitium*, signifying such an edifice, or building, and *Comitia*, signifying the Roman assemblies: both being called *a coeundo*. This hall was many times called by the name of *Puteal Libonis*. The reason of which name is rendred thus by some. That in this *Comitium*, *Attius Navius* did once with a razor cut in two a whetstone, and in memory thereof, his statue was erected, with an hat upon his head, for *Puteal* properly doth signify the cover of a well, but in a large acception, it signifieth a broad brimmed hat, as *Caelius Rhodiginus* noteth in the same place. *Cicero* saith this. *Genus illud Oraculorum nouatum defossum in comitio, suprag; impositum, Puteal nuncupatum*. But why it should be called, *Puteal Libonis*, is yet doubtfull, except happily *Libo* was the first erecter of this statue. That it was a common court, and knowne place of justice, *Horace* witnesseth, *Rescim inquit, sibi adesse ad puteal eram*.

m. Cael. Rhod. l. 16. c. 17.

n Cic. de diuinat.

Cap. 13.

De Rostris.

NExt to the *Comitium* stood the *Rostra*, a goodly faire edifice, in manner of the body of a Cathedrall church: In it stood an Orators Pulpit, decked and beautified with the sternes of many ships, which the *Romans* got from the people of *Antium*, in a memorable battaile upon the Sea: And hence from those ship-beakes, called in Latine *Rostra*, hath this place taken its name. It may be Englished, the great Oratory, or place of Common-plea.

o Huber. in Cic. ep. lib. 1. ep. fam. 1.

Cap. 14.

De Templo Castoris.

Sect. in Iulio Cæsare.

ANother part of the *Forum* was a sanctuary built in the honour of *Castor* and *Pollux*: the reason thereof was because they appeared unto the *Romans* in the Latine war, in the likenesse of two Angels sent from heaven to lead the *Roman* army, and to assist the Romans against the *Latines*: who being vanquished, they suddenly were departed out of the field, none knowing how, & even in the same moment they appeared upon their sweating horses unto the Roman Citizens in the *Forum*, who taking them for souldiers, demanded what newes they brought home from the camp: they replied that the *Romans* were conquerors: which newes being delivered they suddenly vanished and were seen no more. Vpon this occasion did *A. Postumius* being at that time *Dictator*, build a Temple in that place of the *Forum* where they were seen, in honour of them both: Although in the [illegible]ges, it had the name only of *Castors* Temple. Whence [illegible]e the jest of *M. Bibulus*, against his fellow Consull *Julius Cæsar*, saying, it fared with him, as it did with *Pollux*; *id est*, as this Temple which was erected in the honour of both the brethren, carried the name onely of *Castors* Temple; so the great expences in exhibiting shewes in the time of their Consulship, though they were disbursed on *Bibulus* his side, yet *Cæsar* carried away all the thanks and credit. In so much that the people being wont to subscribe the names of both Consuls at the end of their Deeds and Charters, for a remembrance of the yeare; that yeare they wrote, such a thing done, not *Bibulus* and *Cæsar*, but *Julius* and *Cæsar* being Consuls.

Cap. 15.

De Æde Saturni.

Saturnes sanctuary [q] was the common treasure-house, wherein the subsidie money which the Commons paid unto the treasurers called *Quæstores*, was to bee laid up: whereof divers conjecture diversly. *Alexander Neop.* [r] saith that *Saturn* found out the use of brasen mony: and therefore this Temple might be thought the fittest place for the treasury. *Plutarch* thinketh rather, that the making of the treasury in that place did allude to the integrity of time, wherein *Saturne* reigned being the Worlds golden Age. [s] But the most received opinio, is the strength of the place, whereby it was the safer from theeus. The temple by reason of the use it was put unto, was called *erarium* from *æs, id est*. Brasse: which name now is common to all treasure-houses: for that the first mony used by the Romans was of that mettall, untill the yeare of *Rome*, 485. (as *Pliny* witnesseth lib. 3. cap. 33.) [t] Some are of opinion, that before the use of brasse, they made mony of leather: whence *Numa Pompilius* is said to haue given leather mony in a dole unto the people. Touching their order obserued in the treasury, we must understand that their care in providing against sudden dangers was such, that they laid aside the twentieth part of their receipts, which they [u] called *aurũ vicesimarium*, *Incensimarium*, and *Cimiliarchium*, into an inner chamber or more sacred room, named in Latine *erarium sanctius*. [x] We may read also of a third treasury called *Erarium militare*, wherein *Augustus* had appointed that the twentieth part of certain Legacies should be laid up to defray charges in extraordinary wars: where it lay so priviledged, that it was a capitall crime to use any of it, but in extream and desperate necessity. Notwithstanding, how-

[q] Plutarch in Publicola.

[r] Alex. Gen. dier. l. 4. c. 15.

[s] Alex. Gen. dier. l. 2. c. 2.

[t] Alex. Gen. dier. l. 4. c. 15.

[u] Alex. Gen. dier. lib. 2. c. 2.

[x] Servius l. 2. Virg. Geor.

x Alex. Gen. dier. lib. 2, c. 2.

ever it was used as a treasure-house x yet divers Authors testifie that the Acts of their Senate, the bookes of records, together with such bookes as were for their immeasurable bigness, called *libri Elephantini*, wherein all the names of their Citizens were registred, and also their military Ensignes, were contained there. y And from those statute books called *tabulæ publicæ*, this treasury was also called *Tabularium*, because they were laid up there.

y Plutarch. in suis problem. vid. Fran. Sylvium in Catilinar. 4.

CAP. 10.

De campo scelerato.

z Munster in sua Cosmog.

Campus sceleratus, the field of execution z lying within the city, joyned to the gate *Collina*. It was the place where the Vestal Nunnes, if they were deflowred, suffered punishment after this manner. There a was made a Vault under the earth with a hole left open above, whereby one might goe down; within there was a litle couch with a burning lamp and a few victualls, whether the defiled Votary was to be brought through the market place, in a litter so closed up with thick leather, that her mournings might not bee heard to the moving of pitty. Shee being thus brought to the place of execution, was let downe by a ladder into a hollow Cave, and the hole presently stopped. And the reason why they suffered such a kind of death was because they thought it not fit, that shee should bee burnt with fire, which kept not the sacred fire with greater sanctitie. And it was thought unlawfull to punish them by laying violent hands on them, because they had in former time served in so holy a function.

a Plutarch. in Numa.

CAP.

CAP. 17.

De Campo Martio.

THe [a] *Campus Martius*, otherwise called *Tiberinus*, or (because it was neer the river *Tiber*) was given unto the Roman people, by *Cæla Tarrutia*, a Vestall Virgin: but *Tarquinius Superbus*, the last king of *Rome*, did take it from the people, converting it to his own private use: insomuch that he sowed corn there; which whe he was deposed, the *Romans* did cast into the river *Tiber*, judging it unfit that any man should reap any commodity from so holy a ground. In processe of time, the sheaves of corne being stopped in a shallow ford of the river became firme ground, and was called, *The holy Iland*, or *Æsculapius his Iland*, & presently after the expulsion of *Tarquinius*, this *Campus Martius* was restored unto its former use. Beside the naturall pleasantnesse of the place it selfe, it was beautified with many ornaments brought out of the *Capitoll* (the *Capitoll* being too full) as likewise with divers images of well deserving men. Hither did the younger sort of *Romans* come to exercise Chivalry, namely the horse-race, the foot-race, wrestling, fencing, casting the bowl, the sledg, the dart, using the sling, the bow, valting, with such like; and upon this occasion it was dedicated to *Mars* & called by *Strabo*, the Romans greatest schole of defence. [c] The manner of valting was in riding, to leap from one horse back upon another, their custome being for their horsemen in warre, to lead a spare horse in their hands, besides that whereon they did ride, that when the one did sweat, they leaped upon the others back, *à desiliendo*, those horses were called *Equi desultorii*: whence an inconstant, waveting, & unsetled mind, which *Seneca* calleth *Volaticum ingenium*, others have called *Desultorium ingenium*. In this field were men of best note buried, when they died. Here were the Kings, and other Magistrates,

[a] Rosin antiq. l. 6. c. 11.

[c] Cœl. Rhod. l. 21. c. 29. 30.

d Servius in Buc. eclog. 1.

giſtrates at firſt created. In this d field of *Mars* alſo was a place at firſt railed like a ſheep-pen, called therefore *Ovilia*, or *ſepta*; but afterwards it was mounted with Marble ſtone, beautified with ſtately walkes and Galleries, and alſo with a Tribunall or ſeat of juſtice, within which precinct the people oftentimes aſſembled to giue their ſuffrages toward the election of Magiſtrates. The meanes of aſcending up unto theſe *Ovilia* was not by ſtaires, but by many bridges made, for that time, every pariſh in the aſſembly of pariſhes, and every Tribe, or Ward in the aſſembly of the Tribes, & every hundred in the aſſembly of Centuries having his Bridge: whence this proverb was occaſioned, *de ponte dejiciendus, id eſt*, hee is to be barred from giving his voice. e Theſe bridges were not made over any river but over the dry land: whence men were ſaid to be caſt, *Non ut periclitarentur de vita, ſed ne ſuffragarentur in comitiis.*

e Ioan. Saxonius in Orat. pro S. Roſcio.

Cap. 18.

De Circo Maximo.

AMongſt other places where the Romans exhibited their plaies unto the people, the moſt remarkable was the great Cirque, or ſhew-place, called in Latine *Circus Maximus*. It was a large peece of ground, lying neere that part of the *Aventine* Mount, where *Dianaes* Temple ſtood. It was built by *Tarquinius priſcus*, with divers galleries round about it, from whence the *Senators* & Gentlemen of the City did behold the running with great horſes at liſts, the fire-workes, tumbling, the baiting and chaſing of wild beaſts, &c. In former time, all did ſtand on the ground, being ſheltred from the rain by the help of boards upheld with forks in manner of houſe-pentices: and this cuſtome continued untill the aforeſaid *Tarquinius* erected thoſe Galleries, called *Fori*, making thirty diſtinctions of them

them, allotting every ward or company their severall quarters, all the seats being able to containe one hundred fifty thousand parties. [f] Vnder these places were cells, or vaults, where women did prostitute their bodies, and would buy stolne goods, and for this reason *Horace* calleth it *Fallacem circum, id est*, the deceiptfull shew place. There was at the one end of their cirque certain barriers, *id est*, places barred, or railed in, at which place the horses began the race; and at the other end was the marke, whither the horses ran, it was called in Latin *Meta*, and the barriers, *carceres, à coercendo*, Whence we say *à carceribus ad metam, id est*, from the begining to the ending.

[f] Rosin. antiq. lib. 5. c. 4.

Cap. 19.

De Theatro.

THe Theatre [g] hath his name from the Greeke verbe θεάομαι, *id est*, to behold: because the people flocked thither, to behold plaies and shewes exhibited to them. The custome [h] first sprang from the sheep-heards, who leading a contemplative life, were wont to compose dialogues in metre, & at their leasure to recite them under the trees pressed downe in forme of an arbor; whence this theatrall tearme σκηνὴ, hath been derived from σκιὰ, a shaddow, but afterward learned Poets composed Comedies, and Tragedies which were publiquely acted in the City upon a stage: and although at the first it was counted infamous to frequent them, yet afterwards the Senators themselves, yea the Emperour, and all the chiefe of *Rome* assembled thither. [i] Neither for a long continuance were there any seats built, but Commons, and Nobles, promiscuously one with another, all stood on the ground: in somuch that those which stood behind, raised up places with turfes of earth, which gave the people occasion to call the places between those turfes

[g] Ioach. Camerar. in orat. pro L. Flacco. [h] Servius l. 2. Virg. Georg.

[i] Alex. Gen. dier. l. 5. c. 16.

turfes and the ſcaffold, *Cavea, id eſt*, a cave or denne: yea the people that ſtood there, were ſo called from the place. Though the Theatre be now take only for the ſtage; yet the by it was underſtood the whole roome, where theſe plaies were acted: & it had divers parts, ſome proper to the actors, ſome to the ſpectators. To the actors firſt belonged the *proſcenium, id eſt*, the houſe whence the players came: where they apparelled themſelves, though ſometimes it is take for the ſcaffold, or ſtage it ſelfe: ſecondly, the *pulpitū, id eſt*, the ſtage or ſcaffold upon which they acted: & thirdly, the *ſcena*, that is, the partitiō which was commonly made of wood not of hangings. Now that they might change their Scene according to their pleaſure, they made it [k] *Verſatilem, id eſt*, ſo that with engins it might upon the ſuddain be turned round, and ſo bring the pictures of the other ſide into outward appearance: or otherwiſe *Ductilem, id eſt*, ſo that by drawing aſide of ſome wainſcot ſhuttles (which before did hide the inward painting) a new partition might ſeeme to be put up: and I think becauſe thoſe ſheepheards did act no more at a time then one of our *ſcenes*, hence have we diſtinguiſhed our playes into ſo many parts, which we cal *Scenes*.

[k] Servius l. 3. virg. Georg.

The places which were proper to the ſpectators were diſtinguiſhed according to their degree & ranke; for the remoteſt benches were for the **Commons**, & called *popularia*, the next for the **Knights** and **Gentlemen** of *Rome*; & called therefore *Equeſtria*, the others wherin the **Senators** did ſit were cōmonly called *Orcheſtra*: this may be collected out of [l] *Lipſius*. [m] *Cœl. Rhodiginus* ſaith, that the *Orcheſtra* was that place joyning to the ſtage, where *Chorus* ſpake to the people at the end of every act. Diverſe authors are of *Cœl. Rhod.*: his opinion, deriving the word *Orcheſtra*, from the Greeke ὀρχεῖσθαι, to dance: but it ſeemeth more probable, to have bin a peculiar place, alotted for the Senators. *Iu. Sat. 3.*

[l] Lipſius de amphith. c. 14.
[m] Cœl. Rhod. lib. 8. cap. 8.

Æquales habitus illic ſimilemq; videbis
Orcheſtram, & populum... id eſt, optimates & plebē. The

whole

whole building made for entertainment of the ſpectators, reſembled a triangle or wedge, ſharp towards the ſtage, and broad behind: whence the whole was denoted by the name *Cuneus*; whē *Cuneus* ſignified any particular place about the theatre, thē by it we are to underſtand that which formerly we called *popularia*, the place for the meaner ſort of people, [a] whence when we would point out a baſe and ignoble perſon, *Inter cuneos reſidere dicitamus*. There was alſo another kinde of ſcaffold, built quite round, made as it were of two theatres joyned together, it was called [b] *Amphitheatrum*, and differed from the Theatre, only as the full moone doth from the halfe, or a compleat rundle from a ſemi-circle: it [c] reſembled an edge. Vpon this kind of ſcaffold did the Maſters of defence play their prizes; and wild beaſts were baited. [d] *In Amphitheatro gladiatorii ludi, & concluſarum ferarum venationes exhibebantur*. The *Amphitheatre* it ſelfe in the judgemēt of [e] *Lipſius* was tearmed *Cavea, ab interiore parte quæ concava erat*; and *Arena* becauſe it was ſtrewed with gravell & ſand, that the blood of ſuch as were ſlain in the place might not make the place too ſlippery for the cōbatants. Hence cometh that phraſe, *In arenam deſcendere*, to goe into the field: & the combatants were thence called *Arenarii*. Here we muſt note, that howſoever the *Amphitheatre* was ſtrewed commonly with common & ordinary gravell, yet ſometimes in their extraordinary ſhewes that gravell was covered & as it were new coted, with the ſcrapings & duſt of ſome extraordinary ſtones, to adde the greater luſtre unto it: thus much [f] *Pliny* intimateth, *Invenere & alium uſum ejus lapidis, in ramentis quoq; Circum maximū ſternendi, ut ſi in commendatione & candor. &c.* Again, ſometimes the hollow places or dennes under the *Amphitheatre*, in which the wild beaſts were kept, & likewiſe men to be cōmitted with wild beaſts, out of which theſe were let looſe by the lifting up of trap-doores to be hunted or baited upon the *Amphitheatre*, were called *Cavea*. For we muſt

[a] C. el. Rhod. lib. 8. cap. 8.

[b] Turneb. adverſ. lib. 5. c. 5.

[c] Hoſp. de origi. feſt.

[d] Lipſ. de Amphith. c. & 3.

[e] Plin. lib. 36.

know that the *Amphitheatre* was full of hollow passages for many reasons, as for the convenient keeping of wild beasts and bestiaries, so sometime for the better conveying of waters thither, by the meanes whereof [s] reall ships and sea-skirmishes were often times exhibited upon the *Amphitheatre*.

[s] Sueton. in Domitian.

Cap. 20.

MOreover for the better understanding of classicall authors it will not be impertinent to point at the generall names, by which the religious places were called: and to declare the proper acception of each name, the names being these, *Templum, Fanum, Delubrum, Ædes sacra, Pulvinar, Sacrarium, Lucus, Scrobiculum, Ara, Altare, Focus.*

De Templo.

[a] Rosin. Ant. lib. 2 cap. 2.

This word *Templum* doth sometimes signify those [a] spaces, and regions in the aire, & earth, which the *Augures* did quarter out with their crooked staffe at their south-saying. Sometimes it doth signify a sepulchre or grave, [c] because in old times, men did superstitiously pray, and worship at the tombes and monuments of their deceased friends, as if it had been in *Temples* or *Churches*, and in this sense may *Virgil* be understood,

[c] Lilius Gyrald. de dis genul. syntag 17.

[d] *Præterea fuit antiquo de marmore templum*
Conjugis antiqui. ---

[d] Li. 4. Æne. ad. v. 457.

Most commonly it doth signify a Church, or *Temple:* in which sense as oftē as it is used, it is [e] said a *templando*, from beholding; because when we be in the Church by lifting up our hearts by a divine contemplation, we doe, as it were behold the great majesty of God.

[e] Fr. Silvius in orat. pro Muren.

De Fano.

It is also called *Fanum, à fando*, from speaking: not from the speaking of the Priest, but because the people doe there speak unto God, and God again to the people. [f] Some are of

[f] Turneb. ad verf. lib 3. c. 9

of opinion that *Fanum* in property of ſpeech ſignified the Church-yeard, or court before the Temple: *Templum* ſignifieth the edifice, or Church built.

De Delubro.

Thirdly, a Church was called, *delubrum Synecdochi cõs*, becauſe it was the principall part of the Church, namely the place where their Idol-God ſtood; & it was called *delubrũ* from *Deus*: & as we call the place where the candle is put, *candelabrum* from *candela*. As concerning the outward forme of the Churches, ſome were uncovered becauſe they counted it an hainous matter to ſee thoſe Gods confined under a roofe, whoſe doing good conſiſted in being abroad: other ſome covered; ſome round, ſome otherwiſe: but within they much reſembled our great Churches. They had their *prondon*, or Church-porch, whereabouts they were wont to have the image of the beaſt *Sphinx*, which was ſo famous for his obſcure riddles, ſo that by this Image was ſignified, that the oracles of the Gods, which were treated of within the Church, were dark and myſticall. They had certain walks on each ſide of the body of the Church, which they called *porticus*: & in theſe places it was lawfull for them to marchandize, make bargains, or confer of any worldly buſineſſe; as likewiſe, in the *baſilica* or Body it ſelfe. But their Quire called *Chorus*, was coũted a more holy place, ſet apart only for divine ſervice. The manner of hallowing it, was as followeth:[h] Whẽ the place where the Temple ſhould be built, had been appointed by the Augures (which appointing, or determining the place they called *Effari templa*, & *ſiſtere Fanum*) then did the party, which formerly in time of need upon condition of helpe from the gods had vowed a Temple, cal together the *Aruſpices*, which ſhould direct him in what forme the temple ſhould be built, which being known, certain ribbands, and fillets were drawn about the *area*, or plot of ground with flowers, and garlands ſtrewed underneath, as it was probable to diſtinguiſh the limits of this

[g] Roſin. Antiq. lib. 2. c. 2.

[h] Rhoſin. Ib.

ground now to be hallowed. Then certain ſouldiers marched in with boughs in their hands, and after followed Veſtall Nuns leading young boyes, and maids in their hands who ſprinkled the place with holy-water. After this following the Prætor, ſome Pontifie going before, who after the *area* had been purged by leading round about it a ſow, a ramme and a bull, ſacrificed them, and their entralls being laid upon a turfe, the Prætor offered up prayers unto the Gods that they would bleſſe thoſe holy places, which good men intended to dedicate unto them. This being done the Prætor touched certain ropes, wherewith a great ſtone being the firſt of the foundation was tyed; together with that, other chiefe Magiſtrates, Prieſts, and all ſorts of people did help to pluck that ſtone, and let it down into its place, caſting in wedges of gold and ſilver, which had never been purified, or tryed in the fire. Theſe ceremonies being ended the *Aruſpex* pronounced with a loud voice, ſaying, *Ne temeretur opus, ſaxo, aurove in aliud deſtinato, id eſt*, Let not this work be unhallowed by converting this ſtone, or gold, into any other uſe.

De Æde ſacrâ.

Fourthly, a Church was called *Ædes ſacra*, an holy houſe, becauſe of the ſacrifices, prayers and other holy exerciſes performed therein. Although (as *Gellius* hath long ſince obſerved) every holy houſe was not a Church. For the proper note of diſtinction between a Church and a religious houſe was this, that a Church beſide that it was dedicated unto ſome God, it was alſo hallowed by the Augures, without which hallowing the edifice was not called a Church but a religious houſe: of which ſort was the Veſtall Nunnery, & the common treaſurie, called *Ædes Saturni* We may adde hereunto this word *Pulvinar*, [i] which doth often ſignify a Church: the reaſon being taken from a cuſtome amongſt the *Painims*, who were wont in their Churches to make certain beds in the honour of their Gods, and thoſe beds they called *Pulvinaria*

[i] Barthol. Latomus in Philippic. 4. *am.*

Pulvinaria from *pulvis*, because they were filled with dust or chaffe.

De Sacrario.

Sometimes [k] *Sacrarium* signifieth a temple, though properly it signifyeth a Sextry or Vestry, nempe [l] *Sacrorum repositorium.*

k Cic. pro Milone.

l Franc. Sylvius in orat. pro L. Mutæn.

De Lucis.

Neere unto divers Temples stood certain groves dedicated to some of the Gods: they were called in Latine *Lucis à non lucendo*, as divers say, by the figure *antiphrasis*. But others are of a cõtrary opinion, giving it that name, because of the exceeding light it had in the night time by reason of the sacrifices there burnt.

De Scrobiculo, Ara & Altari.

The places upon which they sacrificed either in their religious houses, or their groves, were of three sorts, which we in English terme altars; but the Romans distinguished thẽ by three severall names, *Scrobiculus*, *Ara*, and *Altare*.

De Scrobiculo.

[m] *Scrobiculus* was a furrow, or pit containing an altar in it, into which they powred down the blood of the beast slaine, together with milke, hony, and wine, when they sacrificed to an infernall God.

m Alex. Genial. dier. l. 5. c. 26.

De Ara.

The second kind of altar was called *Ara*, either *ab ardendo*, because their sacrifices were burned upon it: or frõ their imprecations used of that time: which in Greek they called ἀραὰς. It was made foure-square, not very high from the ground, or as some say, close to the ground: and upon this they sacrificed unto the terrestriall Gods, laying a turfe of grasse on the altar: and this gave *Virgil* occasion to call them [n] *Aras gramineas, id est*, grassie altars.

n Virg. Æn. 12.

De Altari.

The third sort was called *Altare*, either because it was exalted, and lifted up some-what high from the ground; or because

cause he that sacrificed (by reason the altar was so high) was constrained to lift up his hands *in altum*, on high: and upon this they sacrificed unto their celestiall Gods only.

o Serv. in Bucolic. eclog. 5.

De Foco.

Focus is a generall name, signifying any of these altars; so called a *fovendo*: because as *Servius* hath observed that is *focus, quicquid fovet ignem, sive ara sit, sive quicquid aliud, in quo ignis fovetur.* But in strict property of speech, it is taken for that altar on which they sacrificed to their domestick Gods, such as were their *Penates* or *Lares*; as it appeareth by *Plautus* p,

p Aulular. act. 2. Sc. 5.

Hæc imponentur in focum nostro Lari
Ut fortunatas faciat gnatæ nuptias.

Whence ariseth that Adage *Pro aris & focis certare*, sounding as much as to fight for the defence of religion and ones private estate; or (as our English proverb is) for God and our Country; the proverb being in this originall, part of the oath that was administred unto the Romane Souldiers: and thus it is expounded by q *Turnebus.*

q Turneb. Adv. lib. 10. c. 7.

LIB.

LIB. I. SECT. 2.

The generall divisions of the Roman people.

CAP. I.

De populo Romano, & ejus prima divisione.

THus having premised a short Treatise concerning the first situation of *Rome*, and the most remarkable parts thereof, I purpose to proceed to the inhabitants, which antiquity hath stiled Citizens of *Rome*. And *Erasmus* rather describing a Romane, then defining him, saith, a Roman was grave in his conversation, severe in his judgement, constant in his purpose: Whence *Cicero* in his Epistles often useth this phrase, *More Romano*, for *ex animo, id est*, unfainedly. [a] *Sigonius* rēdring the definition of a Roman citizen, averreth that no man is *lege optimâ, id est*, in full and compleat manner a citizen of Rome, but he which hath his habitation there, which is incorporated into a Tribe, and which is made capable of city-preferments. By the first particle those which they tearme *Municipes*; by the second those which they call *Inquilini*; and by the third those which they call *Libertini* are in a manner

[a] Sig. de jurè Rom. l. 1. c. 1

ner disfranchised. But whereas *Sigonius* saith, that they must haue their habitation at *Rome*, he would not bee so understood, as if a *Roman* citizen might not remoue his habitation to any other country: For, saith he, a Roman citizen may be as long absent from Rome, and the fields belonging to Rome, as he pleases, so that he suffer himselfe to be sessed and taxed in common with others toward the subsidy payments, & denieth to be incorporate into another city. For *T. Pomponius* was a true citizen of Rome, though he dwelt at *Athens*. The Roman citizens being by these priviledges as by a more proper and peculiar character distinguished from other people; and being planted in the city according to the appointment of *Romulus* their King, it seemed good unto him to divide them into [b] Tribes, not taking the note of distinction only from the divers places they then inhabited, as we read that *Servius* the sixt King of Rome did, making therefore foure Tribes *tonicè*, locall, namely *Suburanã*, *Pallatinam*, *Collinam*, & *Esquilinam*, (which number of locall Tribes in processe of time increased unto the number of 35.) but dividing them according to their severall nations, which at the first were *donatici vitate, id est*, made free denizons of Rome: and they being in number three. 1 The *Sabines*, which were named *Tatienses*, from their King *Tatius*. 2 The *Albanes*, called *Rhamnenses* from *Romulus*. 3 Other nations promiscuously flocking out of other countries to the Roman *Asylum* placed in a grove called in Latine *Lucus*, which gave *Romulus* occasion to name them *Luceres*: he made in all three Tribes *gentis* or nationall. After that *Romulus* had thus divided the whole body of the Romans into three Tribes, hee then subdivided each Tribe into ten lesser numbers, which he called *Curiæ*, or parishes: and then followed five other divisions in respect of their different degrees, and callings: of which in their severall order.

[b] Sig. de jur. Rom. l. 1. c. 3.

CAP.

CAP. 2.

De prima diuisione Romanorum in Senatores siue Patres, Patricios siue Patronos, & Plebeios, siue Clientes.

THe first division of the Romans in respect of their degree, and place was this: The elder, wealthier & graveſt ſort of Romans, were called ſometimes *Patricii*, either becauſe of their age, and gravity; or becauſe they had many children (for great priviledges were granted unto fathers of three children:) & ſometimes *Patroni*, becauſe they were as Patrons, and fathers in helping & aſſiſting the cauſes of the common people ſeeking to them. the yonger, poorer, and ſimpler ſort were called, as they had relation to the *Patricii*, *Plebeii*, *id eſt*, the cõmons; as they had relation to their *Patroni*, they were named *Clientes*, *id eſt*, Clients: between whom [c] there was ſuch a mutuall, & reciprocall intercourſe of loue, & duty, that as their *Patrons* were ready to protect their Clients, ſo the Clients were boũd with all faithfulnes to cleave unto their Patrons: & that not only to credit thẽ with their attẽdance in publike aſſemblies, but to diſburſe out of their own purſes towards the beſtowing of their daughters, the paying of publike mulcts, the giving of largeſſes in ſuing for offices, &c. Neither was it lawfull for either of them to inform, to depoſe, to giue their voices, or to ſide with adverſaries one againſt another without the guilt of treaſon: for which crime of treaſon they were *diis inferis devoti*. i. curſed to hell, & the law gave liberty for any man to kil them. Out of the *Patricii* did *Romulus* elect 100 counſellers to aſſiſt him in determining matters cõcerning the common weal: to theſe did *Romulus* after adde another 100, & *Tarquinius Priſcus*, as divers Authors teſtify, made them a cõpleat 300, which they called *Patres*, or

[c] Lazius de Repub. Rom. lib. 12. cap. 3.

Senatores, and their sonnes *Patricii*. But in processe of time the cõmons also were eligible into a *Senators* place. Some say that *Tarquinius Priscus* added the second hundred to the *Senate* out of the commons,[d] who were called *Senatores minorum gentium, id est*, *Senators* of the lower house. *Brutus* added the last 100. & made them 300, at what time they began to be called *Patres conscripti*. And this accordeth with *Ioannes Rosa* in his Epitome of the Roman history, in his Ch. *de Regibus Romanis*: where hee saith, that *Tarquinius Priscus* did double the number of the Senators: And likewise[e] *Alexander Neop*: saith, that *Brutus* made them a compleat 300.

[d] Martin. Philiticus in Cic. l. 1. ep. fam. 1.

[e] Alex. Gen. dier. 2. c. 29.

Cap. 3.

De secunda divisione Romanorum in tres ordines, Senatorium, Equestrem, Popularem seu Plebeium.

After that through *Tarquinius Superbus* his tyranny, the very name of a King became odious to the Romans, non only the present King was exiled, but the authority of a King ever afterward detested & perpetually abrogated: so that the office, which was before monarchicall then was divided between two, called Consuls: neither were they admitted for any longer space then one yeare. At which time of change the Romans were divided into three orders, or ranges, 1 into Senators, of whom before. 2 into Gentlemen, called of the Romans, *ordo Equestris*: by which we doe not understand those 300. *Celeres, id est*, Pesioners, called somtimes *Equites*, for that was a place of service, this a title & token of gentility; who although they were inferior to the chief Senate, yet they were of great esteem among the Romans: and although they might not weare the same robe as the Senators did, namely the *laticlavium*, or garment bestudded with flourishings of purple silk in manner of broad nail heads;[f] yet they might weare

[f] Rosin. antiq. l. 1. cap. 17.

the

the *anguſticlavium*, a garment differing from the former only in this, becauſe the purple ſtuds, wherewith it was purfled was narrow, & not ſo large as the *laticlavii*. They alſo at the time of their election received from the *Cenſors* an horſe called by them *equus publicus*, becauſe of the yearly allowance out of the common treaſury to keep him: it was alſo called *equus militaris*, becauſe of their ſervice in war (g they having their horſes kept as well in peace as war). They received alſo a gold-ring, h whereby they were diſtinguiſhed from the populacy: for it was not lawfull for any to wear a gold-ring under the degree of a Senator, or a Gentleman. The eſtimation and value of a Senators eſtate i untill *Auguſtus* his time was *octingenta ſeſtertia*, that is 6000l. k Of a Gentlemans eſtate it was *quadringenta ſeſtertia*, i. of our Engliſh mony 3000l. 3. The third order, or degree in the Roman common-wealth was *Populus*, the Populacy, or **Commons**, which ſhould exerciſe trading, manure the ground, look unto the cattle, &c. Where by the way we muſt underſtand that the baſer ſort of the Romans, which did wander up and down, to & fro, not ſetling themſelves to any vocation, were not contained within this diviſion, for unto them there was no name vouchſafed, but according to the Poet they were *ſine nomine turba*; or as *Livy* ſaith, *ignota capita*, men of no account, and therefore of no name.

g Lipſ. de magnitud. Rom. l. 1 dial. 5.

h Alex. Gen. dier. l. 5. c. 29.

i Suet. in Auguſt.

k Plin. lib. 33. cap. 12.

Cap. 4.

De tertiâ diviſione in Nobiles, Novos, & Ignobiles,

THis diviſion was taken from the right or priviledge of having Images; for they were accounted Noblemen, which had the Images of their predeceſſours: Thoſe which had their own Images onely were called *Novi*, that is, late-coyned Nobles or upſtarts. *Saluſt* uſeth this

word often in the disgrace of *Tully* calling him *Novum & repitium civem*, one that lately crept into the city. The third sort called *ignobiles* were those that had no images, neither of their predecessors, nor of themselues. Before we proceed, we must understand, that it was not lawfull for who would to haue his own image if he so desired; for none might be thus priuiledged, but those alone to whom the right of riding in a Curule chaire belonged, & to these the right of images was permitted, as well for the credit of their house, as to incite others to the like atchieuements, when they would consider the divers ceremonies used unto these images in an honourable remembrance of those whom they did represent. Whence it followeth, that *Ius nobilitatis* is nothing else but *Ius imaginis*: insomuch that this word [l] *Imago* doth oftentimes signify Nobility: & the right of having Images with them, was the same as the right of having armes with us.[m] The superstitious conceipt which the Romans had of these images was such, that upon festivall daies and all occasions of joy and mirth, those images should be beautified and adorned with garlands & flowers; upon occasion of griefe and mourning they would take from them all their ornaments, making them in a māner to partake of their mourning. Some they kepe in their private closets,[n] others they exposed to the publike view of passengers, placing them in the gates of their houses together with the swords, targets, helmets, shipbeakes, and such other spoiles as formerly they had taken from their enimies;[o] which it was not lawfull for any, though they bought the house, so much as to deface. Yea they were so annexed to the freehold that they passed alwaies in the cōveyance of the house. The matter of which they were cōmonly made was wax, as that of *Juvenal* doth sufficiently witnesse.

[l] Sig. de jur. Rom l. 2. c. 20

[m] Alex. Gen. dier. l. 5. c. 24.

[n] Barth. Lato. in Verrin. 7.

[o] Plin. 25. 2.

[p] Iuv. Sat. 8.

[p] *Tota licet veteres exornent undiq; cera*
Atria, nobilitas sola est atq; unica virtus.

Againe we may not think that they made in wax a compleat

pleat statue or a full portraiture of the whole body, but only from the shoulders upward.

Cap. 5.

De quarta diuisione Romanorum in Optimates & Populares.

THis fourth diuision of the Romans hath been occasioned through the factiõ & siding of the citizens. Those (according to the description of q *Tully*) were *Optimates*, *id est*, the best citizens, who desired their actions might be liked, and approued by the better sort: Those *Populares*, *id est*, popular, who through desire of vaine-glory, would not so much consider, what was most right, as what should be most pleasing unto the populacy. So that here by this word *popular*, we understand not the Commons, as formerly we did, r but be he Senator, Gentleman, or inferior, if he doe more desire that which shall be applauded by the major part, then that which shall bee approued by the better part, him the Romans called *Popular*, *id est*. such a one, that preferreth the popular applause before the right.

q Cic. pro Sex. 10.

r Geor. Merula in orat. pro ligario.

Cap. 6.

De quintâ & ultimâ diuisione Romanorum, in Libertos, Libertinos, & Ingenuos: item de Manumissione.

THe difference of the freedomes in the City of Rome hath given occasion of this diuision: For he, or she that had serued as an *Apprentice*, and afterward was manumized, was named *Libertus*, or *Liberta*. The son whose father, and mother were once apprentices, was called *Libertinus*; but that son whose father and mother were both Libertines

bertines, or both free-born, [r] yea whose mother onely was free, was called *Ingenuus, id est*, free-born. But after *Appius Cæcus* his Censor-ship, then began *Liberti* & *Libertini* to signify one & the same degree of freedome: so that *Liberti* & *Libertini* were taken for those which served for their freedome, & *Ingenui* were take for those which were free-born, whether their parēts were *Liberti* or *Libertini*. Here is occasion given us to consider the manner of their freedome, & such ceremonies which belonged thereunto. The freedome of the city of Rome was three waies obtained: 1. By *birth*, both, or at least one of the parents being free; & such were called *cives originarii*. 2ly, By gift & *cooptation*, when the freedome was bestowed on any stranger, or nation, and they were termed *civitate donati*: and so wee read that *Cæsar* took in whole nations into the freedome. Lastly by *manumission*, which was thus: when as the servant was presented by his master before the Consull or Pretor, the master laying his hand upō his servants head, used this form of words, *hunc liberum esse volo*, and with that turning his servant round & giving him a cuff on the eare, he did *emittere servum è manu*: the Pretor then laying a certain wand or rod called [t] *Vindicta*, upon the servants head, replied in this manner, *Dico eum liberum esse more Quiritum*. Thē the Lictor or Sergeant taking the wand did strike therewith the servant on the head, & with his hand he strucke him on the face and gave him a push on the back, & after this hee was registred for a freeman. Moreover the servant having his head shaven purposely at that time, received a cap as a token of liberty; whence *ad pileum vocare aliquem*, is to set one at liberty, as likewise *vindicta liberare*. [u] According to *Tertullian*, at this time of their manumission the servants received from their masters, a white garment, a gold ring, & a new name added unto their former. Whose authority if we admit, then the having of three names among the Romans was rather a signe of *Freedome* then of *Nobility*. And that of *Juvenal*.

Tan-

[r] Iustin. inst. l. 1. tit. de Ingenuis. vid. Franc. Sylv. in Catilinar. 4.

[t] P. Ramus in orat. pro C. Rabirio.

[u] Tert. de resur. carn.

Tanquam habeas tria nomina.---
Is not to be expounded, *as if you were a noble man*, but *as if you were a free-mã*. Here we may alſo cõſider the two ſeverall kinds of ſervants: the firſt were called *ſervi*, and they could never attain to any freedome, without the conſent of their maſter: [x] For thoſe that were thus *ſervi* were cõmõly captives, either beſtowed as a reward upon this or that ſouldier, or bought *ſub coronâ*, or of other Citizens that had gotten thẽ one of thoſe two former waies, the ſecond were called properly [y] *nexi & addicti*, becauſe though they were free, yet by reaſon of their debt, *addicebantur*, that is they were delivered up unto their creditors by the Prætor to work out the debt, ſo that after the paiment thereof, either by mony or worke, they did recover their liberty: whence they were ſaid [z] *nomina ſua liberare*, when they paied the debt: as on the contrary they were ſaid, *nomina facere*, when they became in debt. And their creditors whẽ they ſued for the payment were ſaid *nomina exigere*: *nomen* in theſe and the like places ſignifying as much as *debitũ* a debt, [a] becauſe the creditors did uſe to write downe their debtors names. [b] The mãner of ſuing for their debts was as it followeth. The debt being confeſſed, thirty daies were allowed the debtor for the paiment of the mony (thoſe daies of reſpite they called *dies iuſtos, velut iuſtitium quoddam, id eſt, iuris inter eos interſtitutionem & ceſſationem.*) The mony not paid, the debter was delivered up as a ſervant to his creditor, yea he was ſometimes caſt into priſon, & unleſſe the creditor were in meane time compounded with, he remained three-ſcore daies in priſon, & three market-daies one after the other being brought before the Iudge, the debt was ſolemnly proclaimed, and upon the third market-day, he was either ſold to forrainers for a ſlave, or elſe was puniſhed with death, each creditor being ſuffered if he would, to cut a peece of his dead body in ſtead of payment.

x Dion. Halicar. lib. 4.

y Sig. de jud. lib. 1. cap. 31.

z Mica. Toxita in orat. pro P. Quintio.

a Fr. Sil. in epi. virorum illuſt. l. 1. ep. 6.

b Vid. Cel. Rhodig l. 12. c. 20. Item A Gel. lib. 2. cap. 1.

LIB. 2. SECT. 1.

The generall divisions of the Roman Gods.

CAP. 1.

De Diis.

THough *Satan* had much blinded the hearts of men in old time, yet was not the darkneſſe of their underſtāding ſo great, but that they did eaſily perceive, & therefore willingly acknowledge, that there was ſome ſupream governour, ſome firſt mover, as *Ariſtotle* ſaith, ſome firſt originall of all goodneſſe, as *Plato* teacheth. So that if any made this queſtion, whether there was a God or no? hee ſhould be urged to confeſſe the truth of that, rather *argumento bacillino, quam Ariſtotelico*, rather with a good cudgell, then with any long diſpute. But as they were moſt certain, that there was a God, ſo were they againe very blind in diſcerning the true God: and hence hath been invented ſuch a tedious catalogue of Gods, that as *Varro* averreth, their number hath exceeded thirty thouſand, and proved almoſt numberleſſe. Wherefore I ſhall omit to make any diſtinct treatiſe of the Gods, intending *obiter*, and by the way to ſpeak of them, which either had Prieſts, or ſacrifices inſtituted for them. Only I purpoſe to ſhew what is under-

ſtood by thoſe generall diſtinctions of the Gods, which diverſ authors have uſed, *Tull. l. 2. de legibus* reduceth all unto three heads, Gods celeſtiall, which *Varro* calleth ſelect, and others have ſtiled Gods *majorum gentium, id eſt*, of the greater nations, becauſe their power was greater then the others [a] *Alexander Neapolitanus* ſaith, that twelve of theſe were the *Penates*, which *Æneas* did take forth with him at the deſtruction of *Troy*. *Ovid* calleth them *Deos nobiles*, noble Gods: others call them *Deos conſentes, quaſi conſentientes*, becauſe *Iupiter* would doe nothing without the cõſent of all. *Ennius* hath delivered them in this diſtich,

Iuno, Veſta, Minerva, Ceres, Diana, Venus, Mars,
Mercurius, Iovis, Neptunus, Vulcanus, Apollo,

Iupiter, Hermus

The ſecond ſorts of Gods were called *Semidei, id eſt*, Demigods, alſo *Indigites, id eſt*, Gods adopted, or canonized; men deified. For as the ſelect Gods had poſſeſſion of heaven by their own right; ſo theſe Gods canonized had it no otherwiſe then by right of donation, being therefore tranſlated into heaven, becauſe they lived as Gods upon earth; but becauſe their merit was inferior, & could not parallel the deſerts of the Gods ſelect, therefore were they called Gods of inferior note. [c] *Servius* would have theſe called *Divi*: obſerving this difference between *Dii* and *Divi*, that *Dii* ſhould ſignify thoſe which had been Gods perpetually, but *Divi* ſhould ſignify men made Gods, though commonly they are uſed one for another. Whence they called all their Emperours *Divi*, becauſe for their deſerts they thought them worthy to be Gods. Now the [d] manner how a man became deified was this: The party to be canonized being dead, a pile of wood was made in forme of a great tent, or tabernacle, with three other leſſer tabernacles one upon top of another, the lowermoſt having in it dry combuſtible matter, but in the out ſide adorned richly with gold, Ivory, and painted tables: Hither the dead corps was to be carryed with great ſolemnities; the Senate, the Gentlemen, & all the

[a] Alex. Gen. dier. l. 6. c. 6.

[b] Servius in lib. Georgic.

[c] In Æneid. lib. 5.

[d] Roſin. Ant. l. 3. c. 18. vid. Hoſpinian. de orig. Chriſt. F. p. 21. Vid. exemplum huius conſecrationis in Severi ſepultura Herodian. lib. 4. p. 298.

the chiefe magistrats going before, with hymnes and songs, and all kinde of honour, which was to be performed even to the Gods themselves. He being in this manner brought, and laid within the second tabernacle, the fire was kindled, by him who was to succed in the Empire, for I finde none canonized but only Emperours at their decease forthwith at the kindling of the fire, a living eagle was let fly from the top of the tabernacle which was supposed to transport the soule of the dead body into heaven, in so much that ever after he was canonized amongst the Gods, & worshipped as a God. And because they were thus turned into Gods, some have called them *Deos animales, quoniam anima humana verterentur in Deos.* This canonization was by the Greekes termed ἀποθέωσις, by the Latines *consecratio.* The third sort were those morall vertues; by which as by a ladder men climbed into heaven: & therefore did men stile them Gods, because by their meanes men became deified. Late writers perceiving that all the number of the Gods could not bee reduced unto these three heads, have added a fourth sort which they [f] call *Semones, quasi semi-homines,* because ancient writers, as *Rosinus* hath observed, called men *hemones*, not *homines*, in which point I shall willingly condescend unto him; but I shall leave to the judgement of others, to determine how justly he hath restrained the Gods *minorum gentium*, of the lesser nations, onely unto this last *classis*: whereas my opinion is, that the demy-Gods, the morall vertues which have been stiled Gods, and these *Semones*, may all of them be called Gods of the lesser nations standing in opposition with the Gods select, which are called Gods of the greater nations. But that wee may understand what is meant by these *Semones*, we must remember that by them are signified unto us not those Gods, which doe appertain to man himself, but to the necessaries of mans living, his victualls, his cloathing and the like: not to the being of a mā but to the well being of him, of which sort is *Salus*, *Fortuna*, with others. We read likewise of other names

[e] Serv. in Æn. lib. 3.

[f] Rosin. antiq. lib. 2. c. 19.

given in common to divers Gods, not as opposite members of a division, but as notes of distinction drawn from the diversity of helpe, which they severally did afford unto man. In this respect some were called *Dii patrii*, or *tutelares*, such as had undertaken the protection of any City or Towne: which opinion had sometimes been entertained by our English-mē, & thence have risen these & the like speeches S. George for England, S. Denis for France, S. Patricke for Ireland. &c. And the Romans being fully perswaded of the truth thereof, whensoever they went about to besiege any town, by certain enchantments, or spells they would first call out these Tutelar Gods; because they deem it matter impossible to captivate the City, as long as these Gods were within; or at least they thought it a crime unexpiable to take the Gods as prisoners: and lest other nations might use the same meanes in besieging Rome, therefore, as divers authors have thought, the true name of the Roman City was never known, lest thereby the name of their Tutelar God might be descryed. Others, namely the *Tyrians* have tied fast their God *Hercules* with a golden chaine, thereby the more to secure themselves of his residence among them. Others have been called *Dii communes*, namely *Mars*, *Bellona*, and *Victoria*, because in time of war they are not bound to either side: but sometimes they help one side and sometimes the other. And as they supposed some Gods to have the protection of whole countries, so did they believe that others had the charge of particular men; and that so soone as any man was borne, two spirits did presently accompany him invisibly, the one termed the *bonus Genius*, or good Angel, perswading him to that which should be good: the other called the *malus Genius*, or evill Angell, tempting him to that which should be hurtfull: insomuch that they thought all the actions of mē to be guided by these Angels called *Genii*; so that if any misfortune befell a man, they would say that the matter was enterprised *Diis iratis, id est*, our *Genius* being displeased with us.

g Sylvius in epist. virorum illustrium.

h Alex. Gen. dier. l. 6. c. 4.

Virgil

Virgil calleth these bad angels *Manes*, as it appeareth by that, *Quisq; suos patitur manes, id est*, Every man hath his evill Angel, *id est*, some misfortune. These *Genii* were thought to be a middle essence between men & Gods: they are therefore called *Genii*, because they have the tuitiō of us so soon as we are *Geniti*, *id est*, borne. It is most certain that old authors used *Geno*, for *Gigno*, whence [i] *Tully* saith, *Si mihi filius genitur*, & [k] *Varro*, *Antequā genat siliquas*, although every place had also his *Genius*, as hereafter shall appeare. This opinion was the more confirmed by a visiō which appeared unto [l] *Brutus* in *Asia* neer unto the time of his death, for *Brutus* watching upon a certain night in his paviliō, the candle being neere spent, saw a fierce tragicall person appear unto him, somewhat bigger then a man, & he presently being of an undaunted spirit, demanded whether he were a God or a man? To whom the vision answered, *Brutus* I am the evil *Genius*, which haūteth thee, thou shalt see me at the City *Philippi* again, and the same vision appeared unto him, as he was fighting at *Philippis* which was the last fight that ever he fought. And because *Iuno* was wont to be invocated in the time of Child-birth, therefore many have thought that every mā hath not his two Angels but one Angel & *Iuno* to observe him, but it is agreed upon by best authors, that as the angels or spirits which did attend men were termed *Genii*, so those which guarded womē were termed *Iunones*. This *Genius*, as often as he is understood for the good or evill *Angel*, which hath charge of a mans body, is painted in forme of a man as we read did appear to *Brutus*; though sometime he is painted as a young boy, sometime as an old decrepit man, [m] but alwaies with a crown of plane-tree, which therefore was called *Genialis arbor*: in the right hand he held a platter over an altar garnish'd with flowers: in the left he held a scourge hanging down. The sacrifice that was performed unto the *Genius* was wine & flowers: whereupō (as if by wine & fragrant odors, were signified all kind of

[i] Cic. lib. 2. de orat.
[k] Varro Rei. Rust. l. 1. c. 31.
[l] Plut. in Brut.
[m] Rosin. ant. lib. 3. cap. 14.

plea-

pleasures) certain proverbiall speeches have been occasioned: as when we see a man given much to his pleasure, and dainty feeding, we say he doth *indulgere genio, id est*, pamper or make much of his *Genius*: on the contrary, he that is abstemious and debarreth himselfe of his pleasure, & dainty feeding, is said *defraudare Genium*, to defraud his *Genius*: & *genialis* signifieth jocond or pleasant. [n] It was also the custome after meales to have a cup passe round the table, much like unto our *poculum charitatis*, & it was called *poculum boni genii*. [o] The *Grecians* had a like custome, whence that cup was called by them, ἀγαθοῦ δαίμονος. But the reason, why they would not sacrifice unto their *Genius* by kindling some host, as they did to their other gods, was, because they judged it unfit to deprive any creature of his life upon that day, when they first began their life (for this sacrifice was performed yearly by every one upon his birth-day) *Horace* notwithstanding doth more then intimate the killing of a young pig in that sacrifice

n Vid. Erasm. in dag.

o Cel. Rhod. lib. 28. cap. 6.

——cras Genium mero
Placabis, & porco bimistri. Hor. lib. 3. Od. 17.

The other *Genius* which is supposed to have chiefe power over high waies & places, being therfore called *Genius loci*, was pictured in forme of a snake, in which forme *Virgil* fained him to have appeared to *Æneas*, when he performed the funerall rites due unto his father *Anchises*, *Æneid. l. 5.*

——Adytis cum lubricus anguis ab imis
Septem ingens gyros, septena volumina traxit,

And *Persius*.

Sat. 1.

Pinge duos angues, pueri sacer est locus, extra.
Meiite, id est, dues Genios.

Another sort of Gods was supposed to have the keeping of mens houses: [p] which they painted in forme of a dog because those to whom the charge of houses is committed ought to resemble dogs, that is, to seem fierce, and angry towards strangers, but gentle and kind to those of the house-

p Franc. Sylv. in orat. pro Sext. Rosc. Am.

hold

hold other properties wherein these *Lares* doe resemble dogs, are recited by *Ovid. Fast.* 5.

Servat uterq; domum, domino quoq; sidus uterq; est,
Compita grata Deo, compita grata cani:
Exagitant & lar, & turba Dianiafures,
Pervigilantq; lares, pervigilantq; canes.

They were named *Lares*; and because of the charge they had over mens houses, this word *Lar* is sundry times taken for an house it selfe, as *parvo sub lare*, *Horat.* in a litle cottage, *homo incerti laris*, *id est*, a man that hath no house to dwell in. *Sen. in Med.* And the custome in sacrificing unto them, was to eat up all whatsoever was left at the offering, for they thought it an hainous matter to send any of that sacrifice abroad, either among their friends, or the poore: and thereupon when we see a glutton leave nothing in the platter, not so much as the curtesie-morsell, we say *Lari sacrificat*, *id est*, he sacrificeth to his house-hold God.

LIB. 2. SECT. 2.

Of the Roman Priests, with some particular Gods.

Faunus the ancientest of all the Kings in *Italy* was the first that brought any forme of Religion into *Italy*. Hee consecrated groves, gave names unto Cities, erected Temples, ordained sacrifices, &c. from whom the Churches, as some say, were named *Fana*. But after *Faunus*, *Evander* comming out of *Arcadia*, and afterward being King of *Latium*, he instituted, and appointed many other ceremonies, which before were unknowne to the Latines. After him *Æneas* comming from *Troy*, taught many of the *Trojan* ceremonies: by whose examples *Romulus* and *Numa* were incited to adde many other kindes of holy rites, and at length reduced their whole religion into a certain order, especially *Numa* who that he might gaine the more credit and authority to his new invented superstitions feigned that hee had conference about them every night with the Goddesse *Egeria*. My intent therefore is, to speak first of the God, in whose honour these holy rites were performed, and then to descend unto the Priests, which were to performe them, shewing withall the ceremonies they used in the performance.

Lact. de fall. relil. 1, c. 22.

CAP.

CAP. I.

De Pane Lycæo, ſive Inuo: de Lupercis, & Lupercalibus.

Pan was ſuppoſed to bee the God of the ſheep-heards, and is [a] thus deſcribed: hee is pictured naked, having Hornes in likeneſſe of the Sunne-beames, a long beard, his face red like the cleare ayre, in his breſt the ſtar *Nebris*, the neather part of his body rough, his feet like a Goat: in in one hand he holdeth a Pipe, in the other a ſheepheards crook, and alwaies is imagined to laugh. [b] Hee was worſhipped firſt in *Arcadia*, and there called the God *Pan Lycæus*, but afterward hee was had in great eſteeme at *Rome* [c] and in the honour of him certaine ſacrifices, and games called *Lupercalia* were ſolemnized by the Romans, [d] There he took the name *Inuus*, or as ſome ſay, *Iunus*. Concerning the time, whē theſe ſacrifices were to be performed; it was upon the [e] unfortunate daies of the month *February*, which hath his name *à februando*, from purging: whence the feaſt or game is as a purification; though the Latine word ſignifieth as much as a feaſt of wolves, in a memoriall that *Romulus* and *Remus* were nurſed by a ſhee-woolfe. This ſeemeth very probable, becauſe the Prieſts, which were called *Luperci* beganne their courſe at the foot of the mount *Palatine*, called by the Romans *Lupercal*, *id eſt*, the place, where the woolfe nurſed [f] *Romulus*. The ceremonies were theſe: the hoaſt (being two Goats) was to be ſlain, and two Noble mens ſonnes were to be preſent, whoſe fore-heads being blooded with the knives of them that had ſlaine the Goats, by and by were to be dried up with wooll dipped in milk. Then the young boyes muſt laugh immediatly after their foreheads were dry. That done, they cut the goats skins, & made thongs of them, which they took in their hands, and

[a] Servius in Virg. Ecl. 2.

[b] Feneſt. de ſacerd. cap. 4.

[c] Feneſt. ib.

[d] Pomponius Lætus de Sacerdot. cap. de Luper.

[e] Plutarch in Romulo.

[f] Plutarch in Romulo.

ran with them all about the City ſtark-naked (ſaving they had a cloath before their privities) and ſo they ſtruck with thoſe thongs all they met in the way. The young wives did never ſhun them at all, but were well contented to be ſtriken with them; believing it helped them to be with child, and alſo to be eaſily delivered. Moreover it is to be noted that a dog was ſacrificed at this time, becauſe there is a naturall antipathy, or contrariety of nature, between the dog and the woolfe: whereby *Romulus* thought to teſtify his gratefulneſſe unto the woolfe for her paines in nouriſhing him. The reaſon why the Prieſts ran up & down the ſtreets naked, was, becauſe that *Pan* the God of this ſacrifice was painted naked. As the feaſt, ſo alſo the place from whence they came, and likewiſe the Prieſts had their names *à Lupa*, which ſignifieth a woolfe. Some Authors have obſerved three ſorts of the *Luperci*, ſome called *Fabiani*, ſome *Quintiliani*, from *Fabius* and *Quintilius* their governours: the third ſort, which [g] *Roſinus* affirmeth to have been added in the honour of *Iulius Cæſar*, I cannot finde according to his quotation in *Suetonius*. But thus much *Suetonius* faith in another place, namely that *Auguſtus Cæſar* when he was chiefe Pontify did reſtore theſe games againe being formerly aboliſhed.

[g] Roſin. ant. l. 3. cap. 2.

[h] Sueton. in Auguſt.

Cap. 2.

De Cerere & Sacris eius.

Ceres otherwiſe called *Eleuſina* was honoured firſt among the *Græcians*, afterward among the *Romans*, as a Goddeſſe, which firſt taught men the skill of husbandry.

Prima Ceres ferro mortales vertere terram
Inſtituit. Virg. Georg.

Whence ſhe is ſometimes *metonymicè* taken for corne, as

Credenda

Credenda Ceres arvis, Ovid. It is ſeed time. She is called *Ceres, quaſi Geres à gerendis frugibus*, from bearing fruit; becauſe, as ſome ſay, by *Ceres* is underſtood ſometimes the earth it ſelfe, whence alſo Δημήτηρ being the Greek name of *Ceres* is ſaid *quaſi γῆμητηρ, id eſt*, the earth, which is the cõmon mother of us all. [k] She is painted in the habit of a Matron wearing a garland of corne, ſometime ſorrowfull with a lampe in her head, as if ſhe were ſeeking out her daughter *Proſerpina* carried by *Pluto* into hell; and ſometime with a handfull of corne or poppy-ſeed. Vpon the fift of the Kalends of April the Romans were wont to performe ſacrifices unto her, which they called *ſacra Graca, id eſt*, the Grecian ſacrifices, as like wiſe they tearmed the chiefe woman which did performe them, *ſacerdotem Gracam, id eſt*, the Greek Miniſtreſſe, becauſe they were tranſlated into Rome out of *Greece* by *Evander*. The time of their ſolemnities was at the dawning of the day, and the Prieſts, which were only women which ran up and down with lamps in their hands in manner of mad women; into whoſe Temple none that was guilty of any fault committed might enter: whoſe myſteries were to be buried in ſilence, and by no meanes to be blabbed abroad. And as it is to be ſuppoſed, that was the reaſon why all wine was forbad in this ſacrifice. So that hence [l] we ſay *Cereri ſacrificat*, he ſacrifices to *Ceres*, when he makes a feaſt without wine.

[k] Cic. lib. 3. de nat. Deor.

[k] Roſin. antiq. lib. 2. cap. 11.

[l] Plautus in Aululatia.

Cap. 3.

De Potitiis, & Pinariis Herculis ſacerdotibus.

Hercules had an Altar erected in the memoriall of him neere unto *Tiber* by *Evander*, upon occaſion of the heards-mens complaint brought unto *Evander* of him, whom they accuſed to have ſlaine their chiefe heards-man *Cacus*, the Hiſtory being [m] thus; *Hercules* after his con-

[m] Ser. Æn. lib. 8.

queſt over *Geryon* brought away with him certane goodly Oxen, and as well to reſt himſelfe, as to paſture his Oxen, he laid him down to ſleep in a green field neere the river *Tiber*. In the mean while a certain heardſ-man called *Cacus* happened to come that way, and perceiving *Hercules* to be in a ſound ſleep, he ſtole away two of his Oxen, which hee hid in a cave, or hollow rock pulling them in by the taile backward, thinking that *Hercules* when he ſhould look his Oxen and ſee the print of his footſteps, would eaſily believe that his Oxen had rather gone out from that rock then into it, as indeed he did for a time believe, but afterward by the bellowing of the oxen within anſwering their fellowes without, *Hercules* entred the rock, & finding the theef *Cacus* there with his oxen, he killed him, by reaſon of which murder he was brought before *Evander*; & after a while known to be the *Hercules*, of whō the Propheteſs *Carmenta* had foretold unto *Evander*, that he ſhould be a God, whereupon *Evander* preſently ſaluted him by the name of *Hercules* the ſon of *Iupiter*, & in honour of him cauſed an Altar to be built there in that place: upon which yearely was to bee offered up an heifer which had never borne yoke, and that this ſacrifice might be had in the more eſteem, two Noblemen well ſtricken in yeares, and of good repute among the Romans, one of them being called *Potitius*, & the other *Pinarius* were appointed as the Prieſts to performe theſe ſacrifices, from whom ever after *Hercules* his Prieſts were called *Potitii*, & *Pinarii*. Where by the way wee muſt obſerve, that *Pinarius* was not the ſur-name of this Noblemā, but a name added unto him, intimating his, & his ſucceſſors puniſhment for not comming ſoon enough according to the time appointed by *Hercules*. For as [u] divers writers teſtify, the entralls of the hoalt were almoſt eaten up by the family of *Potitius*, before *Pinarius* & his family came, & in puniſhment of their negligence *Hercules* enjoyned the *Pinarii* never after to eat of the entrals giving thē this name *Pinarii* at

[u] Serv. Æneid. lib. 8.

that

that time, from the Greek word λιμὸς signifying hunger.

CAP. 4.

De Fratribus Arvalibus.

THis Colledge or company of Roman Priests may bee Englished the *Arvall fraternity*: the number of them being twelve, eleven of them naturall brothers, sons to *Acca Laurentia Romulus* his foster mother; [o] for which respect *Romulus* yeelded himselfe her adopted son, instituing this order in the honour of *Ceres* & *Bacchus* for the plenty of wine and corne, unto whom they did offer up certain sacrifices called *Ambarvales hostiæ, quod antequam mactarentur ter circum arva ducebantur*, according to that of *Virg. Georg. Terq; novas circum felix eat hostia fruges*, that they being therewith appeased might the willinger cause the earth to fructify, and added himselfe to the former eleven as the twelfth Priest or brother to help in the performance of this publike sacrifice: moreover beside the performance of this sacrifice, these twelve were appointed *arbitrators*, or Iudges to decide controversies concerning land-marks and bounds of the field, from whence they took their name *fratres Arvales*. Their sacerdotall ornament was a garland of wheat bound up with a white ribband, this being, as [p] *Pliny* writeth, the first Crown, or garland amongst the Romans.

o Feneſt. de Sacerd. c. 3.

Hoſp. de orig. Monach. c. 10.

p Plin. lib. 17. cap. 2.

CAP. 5.

De sexaginta Curionibus.

AFter that *Romulus* had divided the whole body of the *Romans* into three Tribes, or wardes, and subdivided those three wardes into thirty parishes, called *Curiæ*, he ordained out of each *Curia* two parish-Priests or Curates called *Curiones*, or *Flamines Curiales*; which were pub-

publikely to offer up sacrifice in the behalfe of the people. Neither was every one equally capable of this honour of Priesthood; [q] but he was to bee at the least fifty yeares old, of a life unspotted, and a body unmaimed. And over all these there was one which had chiefe rule, and therefore was called *Curio Maximus*, the Bishop, or chiefe Prelate: and these sacrifices were called *Curienia*. [r] Their sacrifice being ended each parish had a feast in a common hall built for that purpose: it was called *Domus Curialis*, and sometimes *Curia*.

[q] Dion. Hal. lib. 2.

[r] Dion. Hal. lib. 2.

Cap. 6.

De Auguribus, & eorum Collegio.

AMongst other kindes of Fore-tellers wee read of three principally used in former time, namely, *Aruspices*, *Auspices*, & *Augures*: all which we english Sooth-sayers, though the Latin words do import a main difference, worth our observation: all are alluded unto by *Ovid*,

Ovid trist. l. 1. Eleg. 8.

Hoc mihi non ovium fibra, tonitrusve siniſtri,
Linguave servatæ pennave dixit avis.

The *Aruspices* did divine, or foretell things to come by beholding the entrals of beasts sacrificed: whence they had their name. *Ab aras inspiciendo*, frō beholding the altars. The *Auspices* did foretel things by beholding the flight of birds, so that *Auspices* are said *quasi avispices*, *ab aues aspiciendo*. The *Augures* did divine from hearing the chatting or the crowing of birds: whence they are called *Augures ab aviū garritu*, from the chirping & chatting of birds. These two last kinds of soothsaying have occasioned these, and the like phrases, *bonis avibus*, or *auspiciis*, with good luck, *malis avibus*, *id est*, with ill luck: [s] and because they would beginne [t] nothing *inauspicatò*, *id est*, without the counsell of the *Augures*, hence *Auspicari rem* hath been translated, to begin

[s] Fr. Sylv. in orat. pro Cluentio.

ginne a matter. The Colledge of the *Augures* at Rome was first appointed by [u] *Romulus* himself being very expert in soothsaying, there being at the first but three, namely one of each tribe: (The word *Augur* being not taken in his own proper sense and signification above mentioned; but generally by the trope *Synechdoche*, signifying all kinds, & sorts of divining whatsoever, whether it were by observing the entrals of beasts, the flying, screeching, & chatting of birds, or thundring, or lightning in the heaven, or marking the rebounding of crums cast unto birds, which kind of divining was called *Tripudium*. ([x] *Servius Tullius* the sixt Romane King, when he divided Rome into foure locall tribes, *id est*, Regions, or quarters, then did he adde the fourth *Augur*, all of them being elected out of the *Patricii* or the Nobility of Rome, [y] In processe of time *Quintus*, & *Cnaeus Egulinus* being chosen *Tribuni plebis*, *id est*, protectors of the commons, obtained that five other *Augures* should be chosen out of the commonalty and added unto the former foure, at which time the Senate decreed that the Colledg of *Augures* should never exceed the number of nine. [z] Notwithstanding *Sylla* being *Dictator* added six more, insomuch that their Colledg encreased to the number of fifteen: the eldest of which was called [a] *Magister Collegii*, the master or *Rector* of the Colledge. The *Augures* excelled other Priests in [b] this respect, because if any of them had been convinced of any hainous crime, he did not loose his office, neither was any other subrogated into his roome, although the Roman custome was that if any other Priest had cõmitted any notorious offence, he should presently be discharged of his office, and another chosen in his place. [c] The mãner how the *Augur* did observe was this: He sate upon a Castle, or a Towre, the aire being cleare, and faire without clouds or raine, holding a crooked staffe, called in Latine *Lituus*) in his hand, where sitting in his soothsaying robe, called *Laena*, & in Greek λαῖνα, παρὰ τὸ χλιαίνειν *à calefaciendo*, from heating, because it was well

[u] Pomp. Laetus cap. de Augur.

[x] Rosin. antiq. lib. 3. cap. 8.

[y] Rosin. ibid.

[z] Rosin. id.

[a] Alex. Genealogiae dier. l. 5. c. 19.

[b] Alex. ib.

[c] Pomp. Laetus de Aug.

lined within, being garded in the outside with purple and crimson gards) having his head covered, and his face turned toward the east, so that his back was west-ward, his right side south-ward, and his left north-ward, being thus placed he quartered out with his crooked staffe the heavē into certain *templa, id est*, Regions, or places, observing in what region the birds did appear: Then killing his sacrifice, and offering up certain prayers called *Effata*, he proceeded in māner as followeth. But first suppose we for our better understanding hereof, that now the *Augures* were to resolve the people, whether the Gods would assent that *Numa Pompilius* should be King. The *Augur* having done as above is shewed, his *Lituus* being in his left hād, he reach'd forth his right hand putting it upon *Numa Pompilius* his head, using this forme of words, *Iupiter pater, si fas sit Numā Pompiliū, cuius ego caput teneo, regem Romæ esse, uti nobis signa certa ac clara sint inter eos fines, quos feci, i. e.*: If it be lawful for this *Numa Pōpilius*, whose head I hold to be King of *Rome*, shew some manifest tokēs within these regiōs, or quarters which I have described. Then if he observed lucky signes & tokens he presently pronounced *Numa Pompilius* King of *Rome*: if he perceived unlucky tokens, thē did he *obnunciare*, or gainsay, and shew that the matter proposed was not pleasing to the Gods. Wher by the way we must note, that nothing was confirmed by the *Augures* without the appearance of two lucky tokens one after another; neither was any thing gainsaid by the appearance of one only evil tokē. The distinctiōs of the soothsayings have been taken, some from the event, & thence are they called *prospera*, lucky, or *adversa*, unlucky. Some from the manner of their appearing. [d] & that was either wished being called therfore *impetrativa*, or unwish'd called *oblativa*. Some from the diversity of things which offered themselves in time of divining, & so there were five distinct sorts: The first was by the observing of lightning, and thunder from heaven; the second from the flying, and

[d] Serv. Æneid. lib. 6.

chatting

chatting of birds; the third from bread cast to pullets, or little chicken; the fourth from foure footed beasts, which either should crosse the way, or appeare in some unaccustomed place, the fift from those casualties, whereby the Gods doe make their anger appear unto us. Of this sort are those voices which we hear we know not whence; (as [a] *Cadmus* heard when he overcame the serpent;) the falling of salt towards us at the table, the shedding of wine upō our cloaths. From which casualties, and the like the [b] *Augures* would pronounce either good fortune or bad to ensue: And these tokens were therefore called *Dira*, because thereby *Dei iræ nobis innotescit*, the Gods anger is made known unto us. Now the things that in divining time appeared on the left-hand were commonly tokens of good luck, because the givers right hand in bestowing a benefit is opposite to the receivers left-hand. Whence [c] *sinistrum*, though in humane affaires signifieth as much as unlucky, yet in those holy rites of divining *sinistrum* is taken in a contrary sense, as *Avis sinistra* good luck, *Intonuit lævũ*, it hath thundered luckily, we shall have good successe: and it is said *a sinendo*, because the Gods thereby doe suffer us to proceed in our purposed projects. And therefore *Tully* saith, *lib. 1. de divinatione, A sinistrâ cornice ratum, & firmum augurium fieri*: and in the law of the 12. tables it is said, *Ave sinistrâ populi magister esto*, [d] The *Græcians* from hence in the judgment of *Lipsius* have called the left hand *ἀριστερὸν* from *ἄριστον* signifying the best.

[a] *Vox subita audita est nec erat cognoscere promptum Vnde, sed audita est.* Ovid. Met. l. 3. fab. 1

[b] Serv. Æneid. lib. 2.

[c] Lipsi. Elect. lib. 2. cap. 2.

Cap. 7.

De Tripudiis & pullariis.

THis kind of conjecturing is called *auspicium coactum*, [e] *quoniam necesse erat offâ obiecta cadere frustum ex pulli ore, cùm pascitur*. The word *Tripudium* is used by a *syncopation* for *terripudium*, which is as much as *terripavium*

[e] Cic. de divi. nat. lib. 1.

visum, id est, a dancing or rebounding of any thing upon the ground: for *pavire* is the same with *ferire*,[b] Others say *Tripudium quasi tritio pedum*. It is here taken for the divining, or conjecting of good or evill to come by the rebounding of crummes cast to chickē in a coob or pen: whence the *Augur* from these pullets or chicken was called *Pullarius*, *id est*, a Bird-Prophet, [i] The manner in observing was this. As often as by this kind of conjecturing they desire to know the Gods pleasure concerning the enterprizing of any matter, early in the morning those that were skilfull in this kind of observation, repaired unto the place where the chicken were kept, where silence being commanded, and the coob opened, they cast crummes of bread to the chicken: now if the chicken either came slowly, or not at all unto the bread, or if they walked up and downe by it not touching it, then was it a token that the matter to be enterprized was displeasing unto the Gods: but if contrarily the chicken did hastily leap out of the coob and eat so greedily of the crummes; that some should fall out of their mouthes againe, then the *pullarius*, that is, the *Augur* pronounced that it was well pleasing to the Gods, and encouraged the enterprizing of what they had intended cheerefully: and this was called *Tripudium solistimum*. This kind of conjecturing may seem to have its originall from the *Lycians*,[k] who as often as they desired to foreknow the successe of any enterprise, they went unto the fountain dedicated to *Apollo*, into which they cast baits for the fish: now if the fishes did eat them, it did betide good luck; if otherwise they neglected the baits, then it did betoken some evill event.

[b] Humbert. in lib. 6 Ep. fam. Cic.

[i] Alex. Gen. dier. l. 1. c. 29

[k] Alex. ib.

CAP

Cap. 8.

De Aruſpicibus. Aruſpicinâ & Extiſpicio.

THis kind of Sooth-ſayers as they were called *Aruſpices ab arus aſpiciendo* from the beholding the beaſt upon the altar; ſo were they called *Extiſpices, ab exta aſpiciendo*, from beholding the bowels or entrals of the beaſt, called in Latine *Exta*. In this kind of ſoothſaying the *Aruſpex* obſerved in manner as followeth: [l] firſt whether the beaſt to be ſacrificed came unto the altar willingly, without plucking and haling; whether he died without much ſtrugling, or lowd bellowing; at one blow or many; whether any unluckie object were ſeen, or heard by the, whiles they were ſacrificing. Again after the beaſt was ſlain, then would they obſerve, whether the bowels were of an unnatural colour, whether they were not ulcerous, exſiccate, or impoſtumated: moreover they would divide the bowels into two parts, the one they would call *partem familiarem*, from whence they would fore-tell what would befall themſelves & their friends; the other they would call *partem hoſtilem*, whence they gathered predictions touching their enemies. Hence *Manto* in [m] *Seneca* deſcribing the entrals of his killed ſacrifice ſaith, *Hoſtile valido robore inſurgit latus*, meaning by *hoſtile latus, partem hoſtilem*. Afterward when the ſacrifice was to be burned, they conſidered, whether the flame of the fire was ſmoakie, whether the ſmoke roled & tumbled in the ayre, whether it were of any continuance or no: for all theſe were unfortunate tokens, as the contrary did betoken a good & fortunate iſſue to their deſignments. Theſe laſt which obſerved the fire & ſmoke were called by a more peculiar name *Capnomantes* ſmoke-augurers frō the Greek words κάπνὸς ſignifying ſmoke, & μάντις, *id eſt, vates*, or a Soothſayer. The firſt inſtructions that the *Romans* received

[l] Senec. Ged. Act. 2. ſcen. 2.

[m] Oedip. Act. 2. ſen. 2.

was from the *Hetrusci*, (who as they themselves say) received their knowledge frō a little boy, which they named *Tages*, the history being thus. [n] When the *Hetrusci* were plowing their lands, upon a suddaine upstarted this *Tages* out of one of the furrowes using diverse speeches unto the plow-men: but they being much affrighted at this sudden, and strange vision, beganne with a lowd cry to lift up their voyces; upon occasion whereof many other people flocked thither, where he gave many good instructions concerning this kind of soothsaying, which were presently recorded in books, and practised afterward by the Hetrulci.

n Cic. de divinat. *Indigenæ dixere Tagem, qui primus Hetruscam edocuit gentem, casus aperire futuros* Ovid. Met. lib. ult.

Cap. 9.

De Flaminibus.

The mitre or head-ornament which these Priests did weare, was called in old time o *Flama*, whence the Priests took their name *Flamines*. The p custome amongst the *Grecians*, as likewise afterwards among the *Romanes* was, that the Kings should as well perform ceremonies, & holy rites of religion, as civill businesses. But *Numa Pompilius* perceiving that forrain warres did oftentimes occasion the Kings absence, in so much that those religious ceremonies which he himself personally should performe were of necessity sometimes neglected, hereupon he ordained out of the *Patricii* three Priests to perform that divine service unto *Iupiter*, *Mars*, and *Romulus*, which he himselfe otherwise ought to have performed, calling the first *Flamen Dialis*, the other *Flamen Martialis*, & the last *Flamen Quirinalis*, from *Romulus*, which was often called *Quirinus*,

Sive quòd hasta quiris priscis est dicta Sabinis,
Bellicus at telo venit in astra Deus.
Sive suo regi nomen posuere Quirites.
Seu quia Romanus junxerat ille Cures.

o Rosin. Antiq. lib. 3. c. 15.

p *Rex. Anius Rex idem hominum Phœbique sacerdos* Virg.

In

In processe of time twelve others chosen from the cõmons were added unto these, but with this note of distinctiõ that the three first were had in great esteeme, and were called *Flamines maiores*, high Priests; the other of lesse note called *Flamines minores*, inferior Priests. The chief of all was the *Flamen Dialis*, *Iupiters* high Priest, and whereas every one did wear a certain bonnet in forme of a mitre, which sometimes was called *Pileũ*, sometime by the figure *Synecdoche Apex*, (whereas *Apex* doth properly signify only the top of the bonnet) [q] none might weare *Albo-galerum, id est*, a white mitre, but only *Iupiters* Priests, and that was to be made of a white sheep-skin, after the sheep had been sacrificed. Whatsoever malefactor could escape unto this Priest, he should not be punished that day. None was eligible into this office, but he that was married: neither was it lawfull for him to marry twice, but if his wife died, *Flaminio abibat, i. e.*, he resigned his sacerdotall office. To him was permitted a rich robe of state, and a currule chaire: none might fetch fire out of his house; unlesse it were to perform some sacrifice therewith. [r] None might barbe or poll him but a free-man, and that with brasen scissers. Many other ceremonies there were which cõcerned this *Flamẽ*, as likewise time added many other *Flamines*, namely [s] every God one, yea sometime those three-score Parish-priests which formerly were called *Curiones*, were called *Flamines Curiales*, & divers Emperors after their death had also their *Flamines*. [t] Moreover we must note that those Priests wives were called *Flaminicæ*; Their ministers (for they were wont when they went to sacrifice to take a boy or a maid with them) *Flaminii*, or *Flaminiæ*: and the chiefe Flamins dwelling house was called *ædes Flaminea*, or *Flaminia*. But as it seemeth probable *Numa Pompilius*, and so the other Kings succeeding him did still reserve their right and authority in holy matters so far, that they would instruct other inferior Priests, yea and specially performe some speciall sacrifices themselves

[q] Alex. Gen. dier. l. 6. c. 12.

[r] Servius Æn. l. 1.

[s] Feneſt. de sacerd. cap. 5.

[t] Alex Gen. dier. l. 6. 12.

themselves: whereupon after that the Kings authority was abrogated amongst them, then that these sacrifices might be continued they chose a certain Priest, which they preferred before the *Flamen Dialis*, but judged him inferior to the *Pontifex maximus*, or Arch-Pontifie, and him they called, *Rex sacrificulus*, & *Rex sacrorum*, the King-Priest. To him once every yeare the vestall Nunnes repaired, and used this form of words, [n] *Vigilasne Rex? Vigila* King art thou a wake? a wake. For unto him it did belong to bid holy-daies, and to provide all things necessary for publike sacrifices. He was to instruct those that sought unto him, the causes of the holy-daies, & to tell them what was lawfull & unlawfull every month, and upon the fifth of the Ides of January he sacrificed a Roman to *Ianus*. He was likewise wont to offer up a sacrifice in the *comitium* or great hall of justice, which being finished he ranne as fast as he could out of the market-place without delay: His wife was called *Regina sacrorum*, the Queene-Priestesse, & was wont upon the Kalends of every month to sacrifice a porker, or a lambe in her place in the honour of *Iuno*.

n Serv. in Æn. 10.

Cap. 16.

De Mare, sive Mavorte, & Saliis Palatinis Marti dicatis.

Mars otherwise called *Mavors* by the figure *Epenthesis*, as we say *Induperator* for *Imperator* was reputed the God of warre, and so *Metonymicõs* is used for warre as *vario Marte pugnatum est*, the battell was doubtfull; *proprio Marte*, by ones owne strength, and labour. He was the sonne of *Iuno* only, without company of her husband: for when *Iuno* was greatly displeased with her selfe, that *Iupiter* by striking her head, without company of a woman did bring forth the goddesse *Minerva*, she by the counsell

counsell of the goddesse *Flora* touched a certain flowre in the field of *Olenius*, by vertue whereof, she immediately conceaved the God *Mars*. This God, by reason of his dominion in warr the Romans painted fiery, sometimes in his chariot, sometimes on horsback, with a lavelin in one hand, and a Scourge in the other. In old coines there was sometimes the picture of a cock joyned with him, to shew the vigilancy, and carefulnesse that souldiers are to use. Hee was called [x] *Gradivus, a gradiendo* from marching in battle against his enimies. He had a Temple without the City, whence hee was called *extra muraneus*. [y] Neer unto this temple without the gate *Capena*, did ly a stone of great note, which upō great droughts, the people would bring into the city, & presently Raine would follow; whereupon it was called the Rainestone, *Lapis manalis à manando*. *Numa Pompilius* in the honour of *Mars*, surnamed *Gradivus*, ordained 12 dancing Priests, called *Salii à* [z] *saliendo* from dancing, which number afterward wee finde to have been doubled by *Tullus Hostilius*, in the warr against *Fidena*, a towne of the *Sabines*. The former 12. being called *Salii palatini*, from the palatine Mount, where they did begin their maurisk: the other, *Collini*, from the hill where their chappell stood; [a] and sometimes *Quirinales*: & sometimes *Agonales*: so that the whole College contained 24 Priests. [b] The occasion of their first institution was this: Upon a certain time, in the raigne of *Numa*, the plague, or some other contagious sickenesse was very hot among the Romans, insomuch, that no sacrifice, or holy offering could remove it: at that time a certain brasen Target, or Scutcheon, called in Latine *ancile* or *pelta*, or *ancile*, big at both ends, but cut like an halfe Moon on each side, fell frō heaven into *Numa* his hands, with a certain voice promising all health unto Rome, so long as that brasen Target could be kept safe. Whereupon *Mamurius*, a cunning workman, by the appointment of *Numa*, made eleven other *ancilia* so like the first, that neither could be known from the other

x Rosin. antiq lib. 2. cap. 10.
y Rosin. ibid.
z Plutarch. in Numa.
a Dion. Halicarn. lib. 2.
b Plutarch. in Numa.

ther: (to the intent that if any should be so wicked minded as to steale it, he might faile of his purpose by mistaking one for another.) These twelve Priests had the custody & keeping of them committed to their charge, and in the month of *March* every yeare they apparelled themselves with a party-coloured coat, called *tunica versicolor*, girt close to their bodie, with a belt, or sword-girdle, and a brest-plate of harnesse, called *aneum tegmen* upon that, & a robe of estate called *trabea*, clasped about them upmost of all. Vpon their heads they did weare *apices, id est*, Caps [c] much like unto the *Persian* Bonnets, called in Greek κυρβασίαι or τιάραι. They did somewhat resemble our head peeces in war, made close unto the head, with a crest of cloath upon the toppe, whence some have called them *Galeos*. They being thus apparelled, danced about the *Forum*, or market-place, and the Capitoll with short swords by their sides, a Iavelin in the right hand, and their *ancile* in the other, using certaine Songs, either of the Gods, and those they called *Iamnalii, Iunonii*, and *Minervii*; or of men, and those they called *axamenta*, because in those Songs they did *axare, id est*, nominate and call upon the names of some well deserving men: as *Mamurius*, which made those eleaven Scutcheons, was often called upon in those Songs. Vpon their festivall daies they had excesse of cheere, whence [d] *Horace* hath used, *salires dapes*, to signify dainty fare.

[c] Dion. Halicarn. lib. 2.

[d] Horat. lib. 1 Ode 37.

CAP. III.

De Fecialibus, & Patre patrato.

THese *Feciales* were Officers at Armes, or Heralds, to denounce war, or proclaime peace, appointed thereunto at first [e] by *Numa Pompilius*. [f] The chiefe part of their Office was to dissuade the *Romans* from molesting any confederate Nation without just warre: and if any confederate

[e] Pomp. Lætus de sacerd.

[f] Dion, Halicar. lib 2.

confederat Nation did offer injury unto the Roman people, then did these *Fœciales*, goe as Embassadours unto them; perswading and exhorting them to yeeld the Romans their right: but if they continued thirty daies obstinate, refusing to yeeld unto that which should be just and right, then did they presently denounce war against them, casting forth a dart in token thereof: which denunciation was [g] called *clarigatio, à clarâ voce, quâ utebantur Fœciales*. Others are of opinion, that whensoever war was denounced, this Herald at Armes, should [h] turne loose a Ram unto their enimies borders; signifying thereby, that their fields should shortly become pasture for the Romans: from which custome wee say of one that challengeth another into the field, *Arietem emisit*. Againe if the *Imperator*, or Lord-generall had done ought against his Oath, these *Fœciales* by their sacrifice did avert the wrath of the Gods from him. The chiefest of them was called *Pater-patratus*, a perfect Father: for hee only could be *Pater patratus*, which had both children of his own, and his Father also alive. They were called *Fœciales à fœdere faciendo*, from making a league or peace between Nations. This league which we in Latine doe call *Fœdus*, the Romans in old time [i] did call *Fidus*, as *Ennius* & *Pighius* witnesse: whence these *Fœciales* were tearmed also *Fœci Flamines*.

[g] Serv. Æn. lib. 2.

[h] Vid. Erasm. Adag.

[i] Pighius Sep. tum, lib. 1.

Cap. 12.

De Duum-viris, & Decemviris, & Quindecemviris sacris faciendis, item de Sibyllis.

THis Priest-hood had its first institution from *Tarquinius Superbus*, whose office was as well to expound, as to keep the Oracles of those tenne Prophetesses so famous throughout the world, called *Sibylla*. Concerning whom [k] *Munster* hath these words: In times past there came a strange

[k] Munster in sua Cosmog. lib. 2.

a ſtrange woman to *Tarquinius* the King offering nine books, full of the *Sybilline* Oracles to be ſold: But *Tarquinius*, thinking the books too deere, refuſed to buy them; the woman departing, burned three of theſe books, and came the ſecond time unto *Tarquinius*, demanding as much for thoſe ſix books, as formerly ſhe had done for the nine. *Tarquinius* began to deride her, whereat the woman departed, and burned three more, returning againe unto *Tarquinius*, & asking as much for the three left, as ſhe asked at firſt for all nine. Then began *Tarquinius* more ſeriouſly to bethinke himſelfe thereof, and ſent for his *Augures*, asking counſell and adviſe of them. And they underſtood, by certain ſignes obſerved, that the King had refuſed ſome ſpeciall goodneſſe ſent from the Gods, and for the books that remained, they adviſed, that the woman ſhould have what ſhe asked: As ſoon as the woman had delivered her books, ſhee preſently vaniſhed, and was never ſeen againe; onely warning them to keep the books as ſafe as poſſibly they could. For the ſafe keeping of theſe, *Tarquinius* choſe two of the Noble men, or *Patritii*, calling them *Duum-viri*, appointing them, as well by ſtudy to expound, as with care to keep thoſe Oracles. In proceſſe of time, the people obtained, that ten ſhould be appointed to this office, [l] five of them being choſen out of the Commons, and five out of the Nobles; and then they were called, the *Decem-viri*. Afterward by L. *Sylla* as it is thought, five more were added, ſo that they were then called, the *Quindecem-viri*: nay the number was encreaſed by *Sylla* unto forty, [m] as *Servius* thinketh, but ſtill called by the name of *Quindecem-viri*. Of theſe women that had the ſpirit of prophecie, ten were very famous: the firſt was called *Perſica*, the ſecond *Lybica*, the third *Delphica*, the fourth *Cumaa*, the fift *Erythraa*, the ſixth *Samia*, the ſeventh *Cumana*, the eighth, *Helleſponta*, the ninth *Phrygia*, the tenth *Tiburtina*: They all propheſied of the incarnation of Chriſt. The place where theſe bookes were kept, was within

[l] Feneſt. de ſacerd. c. 13.

[m] Serv. Æn. lib. 6.

within the Capitoll under ground in a chest of stone, where they remained safe untill the burning of the Capitoll, at which time they also were burned. Notwithstanding, many of the prophecies have been known, partly by tradition, and partly being taken out of other Copies in other countries. One of the prophecies concerning our Saviour Christ, was uttered by *Sibylla Delphica* in manner as followeth: [n] *Nascetur Propheta absq; matris coitu ex utero eius*, that is, There shall be a Prophet borne without any copulation of the mother, even out of her wombe. It was spoken at *Delphos*. All their prophecies were of that certainty, that whē we would aver any thing to be undoubtedly true, we use to say, it is *Sibylla folium*, as true as *Sibyllas* Oracles. The *Cumæa Sibylla*, did write her Oracles at the mouth, or entrance of her Cave, in leaves of trees, which the fiercenesse of the winde did oftentimes so scatter, that they could hardly bee brought in order againe: insomuch that when wee would shew the great difficulty of bringing things in order wee may use [o] *Politian* his words, *Laboriosius est, quàm Sibyllæ folia colligere*, it is easier to gather *Sibyllas* leaves. This name *Sibylla* is not a proper name, but an appellative, common to all women endowed with the spirit of prophecy, taking their denomination from σιὸς, which is in the *Æolick* dialect the same that Θεὸς, *id est*, God, and βυλὰ, *id est*, counsell, because they did open and declare the counsell and determination of God unto the people. It appertained also unto these *Quindecem-viri* aboue mentioned, to see that sacrifice, and divine service, that supplications, and processions, expiations, and all ceremoniall rites were duly performed.

[n] Munster in sua Cosmog. lib.

Credite me vobis folium recitare Sibyllæ.

[o] Epist. lib. 1. epist. 1.

[p] Serv. Æn. lib. 6.. σιὸς enim *Deos, non* Θεὸς: & *consilium non* βυλὴ *sed* βυλὴ *appellabant Æolico genere sermonis Lact. de falsa religioni lib. 1. cap. 2.*

Cap. 13.

De Bonâ Deâ, & sacris eius.

THis Goddesse, which is so famous by the name of *Bona dea*, is the Globe of the earth, which is therefore termed *Bona dea*, the good Goddesse, because wee reap so many good things from the earth. Shee is called also *Ops*, the helping Goddesse *ab ope*, from help, because by her help we live. She is called *Fatua*, and *Fauna*. i. the Goddesse of speech, because young children doe never speak untill they are able to goe, and so haue touched the earth. The *Grecians* called her γυναικεῖα θεὸς, the femal Goddess, because that no Male might be admitted to her sacrifices; nay the very pictures of men were at that time to be covered. The inner roome, where her sacrifices were, was called τὸ γυναικεῖον, the place for womens assemblies. ¶ Those that were chief in these sacrifices, were the Vestall Nuns. This good Goddesse was supposed to be the wife of *Faunus*, & upon a time to haue bin taken drunk with wine by him: for which fault *Faunus*, is said to haue beaten her to death with rods of Mirtle tree; but afterward being sory for that he had done, in amends he made her a Goddesse: & as it were ever after detesting the Mirtle tree, he hallowing all other hearbs, and flowers to be used in these sacrifices, forbad the Mirtle tree. Some say she was so chast, that she was never seen by any man but by her husband, and in respect of her chastity the Mirtle tree is forbid, because it was cõsecrated to *Venus*; but whereas in this sacrifice they used wine, they called it not by the name of wine, but milk or hony: whence they called the vessell wherein the wine was put, *amphoram mellariam id est*, the hony vessell. This sacrifice became very famous by reason of *Clodius*, who being in love with Põpeia, *Iulius Cæsars* wife, came unto these sacrifices in womans apparell & was

¶ Cic. orat. de Aruſp. reſponſis.

¶ Alex. Gendier. l. 6. c. 8.

was found out by *Aurelia Iulius Cæſars* mother. This *Clodius* became ſo infamous for this, and other his adulterous pranks that he occaſioned a common proverb amongſt the *Romanes*, *Clodius accuſat mœchos*, anſwerable to which our Engliſh proverb is, One theef accuſeth another.

CAP. 14.

De Cybelle, & Sacerdotibus eius.

THis Goddeſſe *Cybele*, or rather *Cybelle* was in her infancy expoſed unto wild beaſts, upon the hill *Cybellus*, where ſhe being nouriſhed by the wild beaſts afterward became a woman of admirable beauty, and being found by a ſhepheards wife, was brought up by her as her own child, and called *Cybelle*, from the hill *Cybellus*. She excelled in naturall gifts, and was the firſt that uſed a Taber and pipe, and Cymbals among the Greeks. Moreover ſhee tenderly loved children, and therefore was called *magna mater*: ſhe was alſo called *mater deorum*, the mother of the Gods;

Ipſa deûm fertur genetrix Berecynthia Virg.

She was called *Rhea*, *a fluo*, to flow, becauſe ſhee doth flow and abound with all kind of goodneſſe. She was alſo named *Peſſinuntia*, from the City *Peſſinus* a Mart-town in *Phrygia*, where ſhe had a Temple. Moreover, ſhe was called *Berecynthia*, from the hil *Berecynthus* in *Phrygia*, where ſhe was worſhipped. Her Prieſts were called *Galli*, and their chief governour *Archi-gallus*; they took their name from a certain river in *Phrygia*, called *Gallus*; of which whoſoever drank, he became ſo mad, that he would preſently geld himſelfe, (as in truth all her Prieſts were enjoyned to geld themſelves with a fiſh ſhell.) The originall of which cuſtome is rendred thus: *Cybelle* loved a young man of *Phrygia* called *Atys*: and him ſhe appointed chiefe overſeer for her ſacri-

(Pomp. Læt. de ſacerd.

fice

fice upon condition that he would keep himselfe chast perpetually. But he not long after defloured a Nymph, for which fact, *Cibelle* bereft him of wits and understanding, so that he in his madnesse did geld himselfe, and would haue killed himselfe also had not the Gods in their commiseration towards him, turned him into a Pine tree. In remembrance of him ever after her Priests were gelded. Every yeare the *Prætors* did sacrifice unto this Goddesse. But the performance of the holy and religious rites at that time did belong unto a *Phrygian* man and *Phrygian* woman, chosen for that purpose: which according to the manner of their country being apparelled with a party-coloured garment, called in Latine *Syntheſis*, or *amictus variegatus*, and carrying the picture of their Goddesse about with them in the streets, they struck their breasts with their hands, keeping tune with the Tabers, Pipes, & Cymbals, which other people following plaid upon. The Priests were also called *Corybantes* from one *Corybantus*, which was one of her first attendants; and hereupon we call the Cymball *æra Corybantia*. In this manner dancing about the streets, they begged mony of the people whom they met: and hence were they named *Cibelle* her collectors, or her *circulatores*, *id est*, Iuglers. Some called them *ἀγύρτας* from *ἀγύρτης*, which in this place signifieth *Cybelle*, called the great mother, and *ἀγύρτης* a begger or gatherer of almes. [m] Others have called them *Mitricia*. But by what name soever they were called the place was so infamous by reason of their drunkennesse, and uncivility used at these times, that when they would point out a notorious naughty fellow, they would call him *circulatorem Cybelleium*, *Cybelle* her Iugler. Neither was it lawfull for any free borne to undertake that office.

t *Cybelleius Atis, Exuit hac hominem truncoq; induruit illo.* Ov.

u Rosin. ant. l. 3. cap 27.

CAP.

Cap. 15.

De Collegio Pontificum, & Pontifice Maximo.

THis word *Pontifex*, is commonly translated a Bishop or Prelate, being called *Pontifices* in Latine, as also Pontifies in English from one part of their office, which was to have the oversight of a great woodē bridge, called in Latine *Pons sublicius*, being so great, that Carts and waines might passe over it, having no arches to uphold it, but only great piles and posts of wood: [x] and that which is most remarkable in it, was that it was joyned together only with wood-den pinnes, without any iron at all. Others are of opinion, that they were termed *Pontifices quasi potifices*, from *potis* and *facio*, of which opinion *Lucan* seemeth to be, according to that, *Pontifices sacri quibus est commissa potestas*. Cōcerning the [y] number of them, only foure were appointed by *Numa*, all which then were to be chosen out of the *Patricii*: afterward foure more were added out of the Commons. These were called *Pontifices maiores*, or chief Pontifies, to distinguish them from seven other, which afterward *Sylla* added, & [z] called them, *Pontifices minores*, inferiour Pontifies. The whole company of them was called the Colledge of Pontifies. This Colledge is priviledged from all allegeance, being not bound to render account of their doings, either to the Senate or cōmonalty. They were to determine all questions cōcerning religiō, as well between their Priests as between private men: They had authority to punish any inferior Priest, if he either detracted or added unto those religious Rites, which were prescribed him. They had their great Pontifie, whom they called *Pontificem maximū*. These Pōtifies were wont to exceed in their diet, insomuch that when the Romans would shew the greatnes of a feast, they would say it was *Pontifica cœna, id est*, according to

x Plutarch. in Numa.

y Festus de sacerd.

z Rosin. antiq. lib. 3. c. 22.

our Englisſh phraſe, a feaſt for an Abbot. *Cœna adſicialis*, is taken for the ſame. [a] *Lipſius* in the expoſition of the latter phraſe taxeth the Printers negligence, & is of opinion, that it ſhould rather be printed, *Cœna aditialis*, underſtanding hereby a ſolemne feaſt made by Magiſtrates in *aditu honoris*, at their entrance into their office, and at their day of inauguration.

a Lib. 4. de magnit. Rom. cap. 9.

Cap. 16.

De Epulonibus.

THe Pontifices in old time appointed three men, whom they called [b] *Trium-viros Epulonum* (from *Epulum* a feaſt (to have the overſight of the feaſts made at ſacrifices; afterward by reaſon of two twice added, they were called firſt *Quinque viri*, and at length *Septem viri Epulonum*.

b Lazius de Repub. Rom. l. 3. cap.

Cap. 17.

De Titiis.

ANother ſort of religious men there were, which lived in the Suburbs of the City, and practiſed ſooth-ſaying; They were called *Titii* [c] from the name of the birds which they obſerved, which in Latine were called *Titii*.

c Pancirollus lib. rerum deperditarum c. de mole Hadriani.

Cap. 18.

De Virginibus Veſtalibus.

NEere unto *Caſtor's* Temple, ſtood the religious houſe or Nunnerie, dedicated to the Goddeſſe *Veſta*: where at the firſt were foure, after ſix Virgins, or Votaries elected

elected, whose office was chiefly to keep the sacred fire: the extinction whereof proved ominous, and did portend some evill event shortly to happen: And therefore for their negligence herein as for all other smal faults, they being had into a darke corner, stripped naked, and a curtain drawne halfe way over them, the chiefe Pontifie scourged thē: neither was it lawfull to kindle the fire once put out, with any other fire, but from the sun beames; for which purpose they had certain instrumēts named [c] *σκεύη*, which were formed in the manner of a *pyramis*, but hollow; so that the beames being collected within the circūference, & meeting in the *vertex*, did easily kindle any combustible matter put into it; but chiefly if the matter was of blacke colour; because, as Philosophy teacheth, a darke colour doth congregate, or collect the beames, whereas whitenesse doth disperse them. A second part of their office was to worke reconciliation between parties offended, as appeareth by [d] *Suetonius*, where we may read, that by their intercessiō, *Sylla* was reconciled to *Cæsar*. They were chosen into this place between the sixth, and the eleventh yeare of their age: and they were to remain in this Nunnery 30 years space, 10 years to learn their ceremonies and mystories, 10 years to exercise them, and 10 years to instruct others: within which space if they had suffred their bodies to be defiled, they were to undergo that fearfull punishment † afore mentioned. But these 30 years being expired, marriage was lawfull for them; so that they laid aside their scepters, their fillets and other their Sacerdotall ornaments. Notwithstāding those which did marrie, in the end died fearfull deaths: whereupon they chose rather to abstain commonly. The *Romanes* had them in great honour, so that they never walked abroad, but with an yron scepter in their hands, & whatsoever malefactor met them (if the Nun would take her oath it was by chance) he escaped punishment. They were named *Vestals* from their goddesse *Vesta*, which word (as [e] *Munster* writeth) is derived

[c] Plutarch. in Numa.

[d] Suet. in Iulio.

† Vid. sup. p. 11.

[e] Must. in sua Cosmog. lib. 2. c. 9.

ved from the Hebrew *radix* signifying fire. The eldeſt was called *Maxima Veſtalis virgo, id eſt*, the Lady Prioreſſe, or chiefe governeſſe.

Cap. 19.

De veterum ſacrificiis & ritu ſacrificandi.

WHatſoever was burnt or offered up unto the Gods upon an altar, it had the name of a ſacrifice: and ſometimes it was called, *victima, quod victa ad aras ſtabat*, becauſe the beaſt to be ſacrificed, ſtood bound unto the altar. Sometimes, *Hoſtia*, from an abſolute verbe *Hoſtio*, which is to ſtrike: becauſe certain under-Officers called in Latine *Popa* (ſtanding by the altars, all their upper part naked, and a Lawrell garland upon their head) did *Hoſtiare victimam, id eſt*, ſtrike down and kill the ſacrifice. Others are of opinion, that this name *Hoſtia*, is taken from *Hoſtis*, an enemy; according to that of *Ovid: Hoſtibus à demitis hoſtia nomen habet*; becauſe either before warre, to procure the Gods favour; or after warre, in token of thankfulneſſe, they did *hoſtiam ferire, id eſt*, offer up the ſacrifice. The ſecond difference of ſacrifices have bin occaſioned in reſpect of the time, & ſo they have bin called *Præcidanea*, or *ſuccidanea, quaſi præcedanea & ſuccedanea*. Thoſe ſacrifices which were offered up the day before any ſolemne ſacrifice, were called *Præcidanea hoſtia*, fore-ſacrifices, as we Engliſh *præcurſorẽ*, a forerũner: which fore-ſacrifices, if by any tokẽ they found unlucky, then would they offer up a ſecond ſacrifice which they termed *hoſtiam ſuccidaneam:* and becauſe theſe ſecond ſacrifices were to be offered only in ſtead of the other, when they were unlucky or faulty; hence hath *Plautus* uſed this ſpeech, *Meum tergum ſtultitiæ tuæ ſubdes ſuccidaneũ?* Muſt I be whipped for thy fault? The manner of ſacrificing was as followeth; Some certain daies before any ſacrifice was to be

be performed, the Prieſt was wont to waſh his whole body, [f] eſpecially his hands and feet, which if he had not waſhed, the ſacrifice was accounted polluted: and alluding unto this cuſtome, we ſay, a man doth *Accedere ad rem illotis manibus* or *illotis pedibus*, as often as he enterprizeth any buſineſſe, without due reverence or preparation thereunto.

[f] Vid. Eraſm. Adag.

Μηδὲ πρὶν ἐξυπὸς δὶ λοέσσειν ἀλδοῦσι ὕδωρ
Χεροὶν ἀκήρατον. *Heſiod.* ἔργα καὶ ἡμερ.

Moreover, the Prieſt was to abſtain from his marriage-bed, as likewiſe from divers kinds of meats, & at the time of his going to ſacrifices, either himſelfe, or ſome inferior Sexton going before him, with a rod or wand in his hand (called *commentaculũ*) [g] uſed this forme of words unto the people: *Hoc age*, attend this you are about: which cuſtome ſeemeth to have had its originall from the *Grecians*; For before the time of ſacrifice, the Greciã Prieſt uſed almoſt the like ſpeech unto his people: as, τίς τῆδε, *id eſt*, who is here? the people anſwered, πολλοὶ καὶ ἀγαθοὶ, *id eſt*, many men, and good. After this preparation, then did the Prieſt, laying his hand upon the altar rehearſe certain prayers [h] unto the God *Ianus*, and the Goddeſſe *Veſta*; becauſe the Romans were perſwaded that without their interceſſion, they might not have acceſſe unto the other gods, his prayer being ended, then did he lay [i] upon the beaſts head a litle corne, together with a cake made of meal and ſalt, called in Latine *Mola*, [k] *Molarent far toſtum, ſale aſperſum.* From this ceremony, the act of ſacrificing hath been termed *Immolatio.* After this, the ſoothſayer drank wine out of an earthen or wooden chalice, called in latine *Simpulum*, or *ſimpuvyum:* It was in faſhion muck like our ewers, whẽ we powre water into the baſon. This chalice was afterward carried about to all the people, that they alſo might *libare, id eſt*, lightly taſt therof, [l] which rite hath been called *Libatio.* Now every one having taſted therof, the reſt of the wine with frãkinſence mixt in it, was to be powred upon the beaſts head, [m] *between* the hornes,

[g] Plutarch. Numa.

[h] Serv. Acci. lib. 1.

[i] Pancirol. lib. 1. rerum deperdit. cap. de ſale Ammoniaco.

[k] Textor in ſua officina. *Spange ſalſa cala tauroru mola.* Sen. Oedip. Act. 2. ſc. 2.

[l] Pancirol. lib. rerum deperdit. cap. de Ammoniaco ſale.

[m] *Media inter cornu fundit.* Virg. Æneid.

one crying out with a loud voice, *Macta eſt hoſtia, id eſt, Magis aucta*, more encreaſed and made more pleaſing unto the Gods: as *Virgil* ſaith, *Macte novâ virtute puer, id eſt*, O good child which increaſeſt in vertue. And hence even from this terme, we may conjecture, that the word *Macto*, which ſignifieth to kill, and ſometimes to ſacrifice, hath had its originall, becauſe they did immediatly after that voice, *mactare hoſtiam*, that is, ſlay the ſacrifice, & that was done in this manner. [a] First the Prieſt did pluck off ſome of the beaſts haires between the hornes, and caſt them into the fire, calling them his *prima libamina, id eſt*, his firſt offrings: Then did he, turning his face toward the eaſt, draw a long crooked knife upon the beaſts back, commanding his under-officers which I called *Popæ*, (others *Cultrarii*, frō their knife, *Victimarii*, from the hoaſt; & *Agones*, becauſe they ſtanding ready to give the ſtroak, often uſed this word *Agon*, for *Agone, id eſt*, muſt I to my worke?) to kill the beaſt. The other people ſtanding by, ſome did with veſſels ſave the blood, others did flea or skin the beaſt; others waſhed it. Anon, ſome Soothſayer or Prieſt, did obſerve the entrals, turning & winding thē with a knife, which was called *Secefhita, a ſecādo*: for he might not touch them with his hand, they cōceiting, that if the ſacrifice had proved polluted, his hand would thē have periſhed. Now after the Soothſayer or Prieſt had ſufficiently turned the entrals, and found no ill token therein, then did thoſe *Popæ*, or Church-butchers, cut off frō every bowel ſome portiō, which after they had rolled in barly meal, they ſent it in baskets to the Prieſts, & the Prieſts taking it up into a broad charger or platter, called *diſcus*, or *lanx*, laid it upō the altar and burnt it, & [b] this was properly termed *litare*, or *Reddere, i.e.*, to ſatisfie by ſacrifice, or to pay the ſacrifice, which was owing unto the Gods. After that the portiō laid out for the Gods had been burnt, thē did all the people repaire unto a common feaſt; where, as they were eating, they ſung Hymnes, & Songs, in the praiſe of their Gods, & playing

[a] Roſin. antiq. lib. 3. c. 33.

[b] Iosc. Camerar. pro Flacc.

ing on Cymbals. they danced about the altars; insinuating thereby, that there was no part of their body, but should be imployed in the service of their Gods. Now untill all their Ceremonies & Mysteries were finished, it was not lawfull for any to tast of this feast: insomuch that we since have used to check a glutton, or greedy gut, which cannot abstaine from his meat till grace be said, in this manner, *Sacra haud immolata deverat.*

CAP. 20.

De nuptiis, & nuptiarum renunciatione.

SEeing that marriages, and burials, have such dependance upon the Priests, it will not be amisse to conclude this Section, with two chapters, briefly opening the ceremonies of both. Before we come unto the solemn Ceremonies, used by the *Romans* in their marriages, we will first shew the mãner of their cõtracts, which were called by the *Romans*, *Sponsalia à spondendo*, because in their contracts, each did promise other to live as man and wife. Now the manner of contracting was commonly thus: They did for the greater security, write down the forme of the contract upon tables of record, as appeareth by *Juvenal. Sat. 6.*

Si tibi ingitimis pactam, ignotamq; tabellis
Nox ea amaturæ [illegible]

These tables were also sealed with the signets of certaine witnesses there present, who were termed from their act of sealing, *Signatores*. Moreover, before they would begin the Ceremonies of their contract, the man procured a Soothsayer, and the woman another, with whom first they would consult. Whence *Juvenal, Sat. 10.*

Vendit cum signatoribus auspex.

The tokē or signe which these Soothsayers in time of observing accoutted most fortunate, was a Crow: [b] *Ea enim cornix*

[a] Selmuth, in Panciral. lib. rerum deperdit. cap. de nuptiis.

[b] Alex. Gen. lib. 2.

cum

cum societas est, ut vtrorumque facile alterâ extinctâ, vidua altera perpetuò maneat. The man also gave in token of good will, a ring unto the woman, which she was to wear upon the next finger unto the little of the left hand, [c] because unto that finger alone, proceedeth a certain artery frō the heart. The word *Nuptiæ*, which signifieth marriage, had its deriva-

c Aul. Gell.

tiō [d] *à Nubo*, which verb in old time, signified to cover: the custome being, that the woman should be brought unto her husband, with a [e] yellow veile (called *Flammeum*) cast over her face. Againe because of the good successe that *Romulus*, and his followers, had in the violent taking away of the *Sabine* women, [f] they continued a custome, that the mā should come & take away his wife by a seeming violence, from the lap or bosome of her mother, or her next kinne. She being thus take away, her husband did dissever & divide the haire of her head, with the top of a spear, wherewith some Fecer formerly had been killed. This spear was called by them *Hasta cælibaris*, & the Ceremony did betokē, that nothing should dissoyne them, but such a spear, or such like violence. The next day after the marriage, a solemne feast was held, where all the bride-mans & Bride-womans friends met to make merry; this feast they called *Repotia*. We must note, that [h] three maner of waies, a womā became a mans lawfull wife: *usu, confarreatione, coemptione*. A woman became a mans lawfull wife, *Vsu*, 1. By prescription or long possessiō, if that she were wedde with the consent of her overseers, and so did live with the man, as with her lawfull husband, a whole years space, *nullo interrupto usu, id est*, she being not absent from him three nights in the whole yeare: and some have thought, that the counterfeited violence, in taking away the maid from her friends, was used only in this kind of marriage. A womā became a mans wife *confarreatione, id est*, by certain solemnities used before a Pontifie, or chiefe-Bishop, when the woman was given unto the man using a set forme of words, ten witnesses being present, & a solemn

d Rosin. ant. lib. 5. c. 37.

e Plin. lib. 21. cap. 8.

f Sig. de iur. Rom. l. 1. c. 9.

g Salmuth. in Pancirol. lib. rerum deperdit. cap. de nuptiis.

h Both. Tot. cor. 2. Vid. Cæl. Rhod. lib. 28. c. 17.

i Sig. de jure Rom. l. 1. c. 9.

sacrifice

sacrifice bein g offered, at which the couple married should eat of the same barly cake, which formerly had been used in the sacrifice. Which sacrifice was termed, *à farre, confarreatio*, and the marriage it selfe, *Farracia*,[k] & sometimes *sacra* simply; the dissolution of this kind of marriage *Diffarreatio*. A woman became a mans wife, *coemptione, id est*, by buying and selling, when the woman did under a feigned forme of saile buy her husband, by giving him a piece of coyn. *Veteri Romanorum lege, nubentes mulieres tres ad virum asses ferre solebant: at q. unum quidem quem in manu tenebant, tanquam emendi causâ marito dare.*[m] To these three some teach, that a fourth sort of marriage was in use among the Romans; namely, when a woman became a mans wife, *sortitione*, by a kinde of lottery: and of this they say, *Sueton* speaketh.[n] In that kinde of marriage, which was *per coemptionem*, the man was not named by his proper name, nor the woman by hers; but the man was named *Caius*, & the woman *Caia*, in the memory of the chast & happy mariage of *Caio Cæcilia*, wife to *Tarquinius Priscus*: from whence sprang a custome among them, that the new married wife, when shee was brought home unto her husbands house, was to use this proverb, *Vbi tu Caius, ibi ego Caia*; by which words she signified that she was now owner of her husbands goods, as well as himselfe: & therefore *Erasmus* hath expounded that saying by these words; *ut tu dominus, ita ego domina*.[o] And she that was thus married, *Per coemptionem*, was properly called *Mater-familias*.[p] If any of these Ceremonies were omitted then was the marriage teermed, *Nuptiæ innuptæ*, in which sense we call our enemies gifts no gifts, Δῶρα δώροις οὐ δῶρα. These Ceremonies being ended, towards night the woman was brought home to her husbands house, with five Torches; signifying thereby, the need which married persons have of five Gods, or Goddesses, *id est, Iupiter, Iuno, Venus, Suadela*, & *Diana*, who oftentimes is called *Lucina*, (the reason of the name being rendred by *Ovid.*

[k] Cic. orat. pro Muræn.

[l] Sig. de jure. Rom. l. 1 c. 9.

[m] Sueton. in Tiber. c. 35.

[n] Cic. orat. pro Muræna. Item Fr. Sil ib

[o] Cel Rhod. lib. 28. c. 17.

[p] Hieron. Fetanius in Philippic. orat.

——Dedit hæc tibi nomina lusus,
Aut quia principium tu Dea Lucis habes.

There are of opinion, who think that the use of these Torches, was not only to give light, but to represent the elemēt of fire: for no marriages were thought happy, which were not contracted *Sacramento ignis & aquæ*; for which reason the custome likewise was, to besprinkle the new married woman with water, yea they did both in time of their contract touch water & fire provided for that purpose. The signification of this ceremony, some think to be thus; The fire, because it is an active elemēt, to represent the man: the water, because it is passive, to represent the womā. Others say that in the community of these two elements, was intimated the community between man & wife, of all other their goods and possessions, which was more fully declared in that fore-quoted proverb, used by the wife, *Vbitu Caius, ibiego Caia.* The matter wherof these Torches were made was a certain tree, from which a pitchie liquour did issue: it was called *Teda*, and thence have the Poets figuratively, called both the Torches, and the wedding it selfe *Tedas*. When the woman had been thus brought to the doore, then did she anoint the posts of the dore with oile, from which Ceremony, the wife was called *uxor quasi unxor*. This ceremony of annointing being ended, the Brideman did lift her over the threshold, and so carried her in by a seeming force, because in modesty she would not seem to goe without violence into that place, where shee should loose her maidenhead. At her carrying in, all the company did cry out with a loud voice, *Talassio, Talassio*: for which custome, *Plutarch* alleageth many occasions; this being one. Among those who ravished the daugheers of the *Sabins*, there were found some of the meaner and poorer sort, carrying away one of the fairest women: which being known, certain of the citizens would have taken her from them, but they began to cry out, that they carried her to *Talassius*, a man well beloved

* Pancirol. l. rerum deperd. cap. de nupt.

z Serv. Æn. lib. 4.

y Plutarch vita Pompeii.

beloved among the *Romans* at ; which naming of *Talassius*, they suffered her to be carried away, themselves accompanying her, and often crying *Talassio, Talassio*. From whence it hath been continued a custome among the Romans, ever at their marriages to sing *Talassio, Talassio*, as the Greekes did, *Hymen, Hymenae*. From this custome of leading or bringing home of the new married Bride, commeth that Comicall phrase, *Ducere uxorem*, to marry a wife. Shee being thus brought home, received the keyes of her husbonds house, whereby was intimated, that the custody of all things in the house was then committed unto her. [r] The marriage bed was called, *Genialis lectus*, as we may suppose, *quasi Genitalis*. [s] Sometimes it was called, *Lectus adversus, quod hunc lectulum religiose servari mos fuit, & in atrio collocari janua ex adversum, id est*, they placed this bed in the Court directly opposite to their gate, keeping it as some religious monument or pledge of matrimony. The next day after the marriage, the Bride-woman received guifts of her friends, which the Lawyers tearm, *Nuptialia dona*. [u] But *Cicero* expoundeth these *Dona nuptialia*, to be certain tokens, which the husband sent to his wife before the betroathing. If after the marriage, any discontent had fallen out between the man and his wife,* then did they both repair to a certain Chappell, built in the honour of a certain Goddesse, called *Dea viri-placa, à viris placandis*, whence after they had been a while there, they returned friends. We have thus seen the Rites and Ceremonies, which the Romans used in their contracts & marriages; it would not be impertinent to annex the manner of their divorcements, which upon just causes were permitted. There [x] were two manner of divorcements the one between parties only contracted, the second between parties married. The first was properly called *Repudium*, in which the party suing for divorcement, used this forme of words, *Conditione tuâ non utar*. The second was called *Divortium*, wherein the party suing for it, used these words, *res*

[r] Alex. Genial. dier. l. 2. c. 5.
[s] Lipsi. Elect. lib. 1. c. 17.
[u] Vid. Fr. Silv. pro Cluent.
* Sig. de jure Rom. l. 1. c. 6.
[x] Rosin. ant. l. 5 cap. 38.

tuas tibi habeto: vel res tuas tibi agito. Both these kinds were tearmed, *Matrimonii renuntiationes*, renouncing or refusall of marriage. Where we must note, that insteed of this verb *renunciare*, divers good Authors doe use this phrase *Mittere* or *Remittere nuncium*: as *C. Cæsar Pompeia nuncium remisit*, *C. Cæsar* hath divorced *Pompeia*. And alluding hereunto *y Cicero* saith, *virtuti nuncium remisit, id est*, hee hath cast off all goodnesse, he hath even divorced vertue. Secondly, wee must note, that this verb *Renuncio*, doth not only signify to renounce, or to refuse, but many times in *Tully*, it signifieth to declare or pronounce a Magistrate elected, as *Renunciare consulem, Prætorem, &c.* The reason why in matrimoniall contracts, it signified to renounce, or refuse, was because in these divorces, they did oftentimes send to their wife *per nuncium*, by a messenger, some bill or scrole of paper, containing the causes of the divorce Moreover, we are to observe, that in these divorces, the ceremonies were quite contrary to those in marriages; the just causes of divorce being foresignified to the Censors, the marriage tables were broken, the dowry restored, the keys of the house taken frō the woman, & she turned out of doores: all which ceremonies are at large treated of by *Th. Dempster, l. 5. Antiq. Rom. cap.* 38.

y Ep. fam. l. 5.

Cap. 21.

Quo apparatu, quibus q; ceremoniis apud veteres defuncta corpora igni tradebantur.

THe Romans in ancient time, when they perceived a body dying, had such a custome, that the next of the kin should receive the last gasp of breath from the sick body, into his mouth, as it were by the way of kissing him: (to shew thereby how loath & unwilling they were to be deprived of their friends) and likewise should close the eyes of the party being deceased. Whence *Anna* said unto her

her sister *Dido* now dying,

——— *Extremus si quis super halitus errat,*
Ore legam ——— *Virg Æn 4.*

And *Penelope* wishing that her son *Telemachus* might outlive her selfe, and his father writeth to her husband in this manner, *Ille meos oculos comprimat, ille tuos.*

After the body had thus deceased, they kept it seven dayes unburied, washing the corps every day with hot water, and sometimes annointing it with oyle, hoping that if the body were only in a slumber, and not quite dead, it might by these hot causes be revived.

Per calidos latices aliena undantia flammis
Expediunt, corpusq; lavant frigentis & ungunt.

In these seven daies space, all the dead mens friends met together now & then, making a great outcry or shout with their voices, hoping that if the dead body had been only in a swound or sleep, he might thereby be awaked. This action was termed *conclamatio*, whence when wee have done the best we can in a matter, and cannot effect it, we say proverbially *conclamatum est*, for this third conclamation or generall out-cry (which was alway upon the seventh day after the decease) was even the last refuge, at which if the body did not revive, then was it carried to buriall being invested with such a gown, as the parties place or office formerly had required. Those who had the dressing, chesting, or embalming of the dead corps, were called *Pollinctores:* After they had thus embalmed the corps, they placed it in a bed fast by the gate of the dead mans house, with his face and heeles outward toward the street, according to that of *Persius:*

——— *Tandemq; beatulus alio,*
Compositus lecto, crassisq; lutatus amomis
In portam rigidos calces extendit. ———

Herewith accordeth *Homer* speaking of *Patroclus* his funerall.

Ὃς μοι ἐπὶ κλισίῃ Πηληϊάδαο ἄνακτος,
Καὶ τοι ἀνὰ πρήσσων τέλεμμένος. ——— *id est,*

Qui mihi in tabernaculo confossus aceto are
Iacet ad vestibulum conversus.

This ceremony was properly called *corporis collocatio*: and fast by this bed, neere the gate also was erected an altar, called in Latine, [r] *Acerra*, upon which his friends did every day offer incense untill the buriall. The gate in the outside was garnished with cypresse branches, if the dead mā were of any wealth or note: for the poorer sort, by reason of the scarcity of the tree, could use no such testimony of their mourning:

[r] Alex. Gen. dier. l. 3. c. 7.

[u] *Et non plebeios luctus testata cupressus.*

[u] Lucanus.

In these seven daies space, certain men were appointed to provide all things in readines for the funerall, which things were commonly sold in the [x] Temple of *Libitina*, from whence those providers were termed *Libitinarii*, though sometimes this word *Libitinarius* doth signify as much as *capularis*, an old decrepit man, ready for the grave. upon the eight day a certain crier in māner of a bel-man, went about the town to call the people to the solemnization of the funerall, in this forme of words: *Exequias Y. Tito L. Filio quibus est commodum ires. Iam tempus est. Ollus ex ædibus Effertur.* After the people had assembled themselves together, the bed being covered with purple, or other rich coverings, the last conclamation being ended, a trumpeter went before all the company, certain poor women called *Præficæ*, following after and singing songs in the praise of the party deceased, where we must note, that none but the better sort had a trumpet sounded before them; others had only a pipe; [z] *Senatoribus & patriciis tubâ, minoribus & plebeiis tibiâ canebant siticines*: this word *Siticines*, signifying either a trumpeter or piper, because they did both *ad sitos*, i. *mortuos canere*. Again, except it were one of the Senators, or chief citizens, he was not carried out upon a bed, but in a coffin upō a Beer. Those that carried this bed, were the next of the kin so that it fell often among the Senators themselves to beare

[x] Alex. Gen. dier. l. 5. c. 26

[y] Rosin. ant. lib. 5.

[z] Alex. Gen. dier. lib 3.

the

the corps, and becauſe the poorer ſort were not able to undergoe the charges of ſuch ſolemnities, thereupon were they buried commonly in the dusk of the evening; & hence *à veſpertino tempore*, thoſe that carried the corps were termed *veſpæ*, or *veſpillones*. In the buriall of a Senator, or chief Officer, certain waxen images of all his predeceſſors were carried before him upō long poles or ſpeares, together with all the enſignes of honor, which he deſerved in his life time. Moreover, if any ſervants had been manumized by him, they accompanied the mourners lamenting for their maſters death. After the corps followed the dead mans childrē, the next of the kin, & other of his friends *atrati, id eſt*, in mourning apparell. Frō which act of following the corps, namely *à ſequendo*, theſe funeral rites have bin termed, *Exequiæ*, as *Donat* hath obſerved upon that of *Terence*, *Funus interim procedit, nos ſequimur*. Which rites, becauſe they were performed as debts due unto the party deceaſed, hence were they alſo called, *Iuſta. Eò dicūtur juſta, quod jure mortuis facitari debēt à vivis, Polid. de invent lib. 6. c. 9.* The corps being thus brought unto their great Oratory, called the *Roſtra*, the next of the kin [a] *laudabat defunctum pro roſtris, id eſt*, made a funeral Oration in the commendation principally of the party deceaſed, but touching the worthy acts alſo of thoſe his predeceſſors, whoſe images were there preſent. The Oration being ended, the corps was in old time carried home again, in manner as it was brought forth.

[a] Suet. C. Iul. Cæſar. c. 6.

Sedibus hunc referēte ſuis & conde ſepulchro.

But afterward by the law of the twelve tables, it was provided that no man beſides the Emperour, and Veſtall Nuns, ſhould be buried within the City; though ſome upō eſpeciall favour have obtained it. The manner of their buriall was not by interring the corps, as in former times it had bin, but burning them in a fire [b] the reaſon thereof being to prevēt the cruelty of their enemies, who in a mercileſſe revenge would at their conqueſts digge up the buried bodies, ma-

[b] Salmuth. in Pancir. lib. rerum deperd. de exequiis.

king

king even the dead also subjects of their implacable wrath)
This fire before the burning, was properly called, *Pyra*, in
c Serv. Æn. 5 the time that it burned, it was called, *Rogus*, c *quòd tunc tẽporis Rogari solerẽt manes*; after the burning, then was it called *Bustum quasi bene ustum*. This *Pyra* was alwaies built in
* Sup. pag. 30 form of a Tabernacle, as it is *above more at large to be seen: whither after the dead man had been brought, his friends were wont to cut off one of his fingers, which they would afterward bury, with a second solemnity. The charges at funerals growing by this meanes to be doubled, the law of the 12 tables provided in these words, *Homini mortuo ossa ne legito, &c.* that no mans finger should be cut off, except hee died either in the war, or in a strange country. Where wee must observe, that *lego* in this place doth signify as much as *adimo* or *aufero*, in which sense we call him *sacrilegum, quia legit*, i. *qui adimit & aufert sacra*. After the dead body had been laid upon the *Pyra*, the were his eyes opened again to
d Alex. Gen. dier. lib. 3. shew him heaven if it were possible: d & withall an halfe-penny was put in his mouth, they superstitiously conceiting, that that halfpenny was *naulũ Charontis*, the pay of *Charon* the supposed ferry-mã of hel, who was to carry mens souls in his boat over the *Stygian* lake after their decease. About this *Pyra* were first many boughs of Cypresse trees to hinder the evill sent of the corps to be burned. The dead body being thus laid upon the *Pyra*, the next of the kin turning his face averse from the *Pyra*, did kindle the fire with a torch: After this, commonly certain Fencers hired for this purpose did combate each with other, till one of them was killed, they were termed *bustuarii*, from *bustũ*. The blood of those that were slain, served instead of sacrifice to the infernall
e Servius. Gods, which kind of sacrifice they termed, *Inferiæ*. e *Inferiæ sunt sacra mortuorum quæ inferis solvuntur*. Anon after the body had been burned, his neerest friends did gather up the ashes and bones, which being washed with milk and wine, were put into certaine pitchers called *urnæ*: whence this word

word *urna*, is often used by the Poets, to signify a grave or sepulcher, as

— Una requieſcit in urnâ: Ovid. Met. lib. 4.

[f] Though properly *ſepulchrum* was in old time, a vault or arched roofe, round about the walls whereof were placed certain coffins called *loculi*, within which those former *urnæ* were laid up and kept, namely, two or three in each coffine. Now these funerall solemnities were commonly towards night, insomuch that they used Torches; these Torches they properly called, [g] *funalia à funibus cerâ circumdatis, unde & funus dicitur.* [h] Others are of opinio, that *funus* is so said from the Greek word θάνατος signifying death or slaughter. The bones of the buried body being thus gathered up, then did the Priest besprinkle the company with clean water thrice, & the eldest of the mourning women called *præfica*, with a loud voice pronounced this word *ilicet*, thereby dismissing the company, (the word signifying as much as *Ire licet*;) Then presently did the company depart, taking their farewell of the dead body in this forme of words: *Vale, Vale, valeat nos te ordine quo natura permiſerit ſequemur.* If any of these ceremonies had bin omitted [i] thē was it termed *ſepultura inſepulta*, in the same sense as *nuptiæ*, formerly were termed *innuptiæ*. The old & aged mē were invited after the burial, to a feast, or funerall banquet called, *filicerniū* [k] *quaſi filicænium, id eſt, cœna ſupra filicem poſita*, their custome being to eat that feast upon an altar of stone, and because this feast was only eaten at funerals, & by the elder sort, [l] hence figuratively this word *filicernium*, doth sometimes signify an old cripple ready for the grave: The poorer people insteed of a feast, received a dole or distribution of raw flesh: this dole was termed *Viſceratio*. Moreover there was a potation, or drinking of wine after the buriall called *Murrata*, or *Murrhina potio*, which afterwards the law of the 12. tables for the avoiding of expences did prohibit: as likewise for the moderating of griefe in the mourners, it did prohibit the use

[f] Roſin. ant. lib. 5.

[g] Servius in Æneid. lib. 1.

[h] Hub. in Cic. ep. fam. lib. 4.

[i] Hieron. Ferarius in Cic. orat. Philip.

[k] Servius in Æneid. lib. 5.

[l] Anteſig. in Ter. Adelph. Act. 4.

of this word *Lessum*, [*Neve lessum funeris ergò habento*] for that word was often ingeminated in their mourning as a dolefull ejulation, or note of inward sorrow. This sorrowing or mourning, was in some cases utterly prohibited, in others limited: * namely, an infant dying before he was three yeares old, should not be mourned for at all; because he had scarcely yet entred into his life. Elder persons were to be mourned for so many daies as they were years old. Wives were permitted to mourne for their husbands (*Alexander* addeth also children for their fathers) ten months, if they would; within which time, the widdow could not marry another husband without infamy and discredit. *Polyd. de invent. l. 6. cap. 9.* Here we may with *Revardus* observe a distinction between *Lugere* and *Elugere*, *Lugere* signified no more then to mourne some part of the time prescribed, *Elugere* to mourn the whole and full time.

* Alex. Gen. dier. l. 3. c. 7.

LIB.

LIB. 2. SECT. 3.

Of the Roman Games.

CAP. I.

De ludis Megalenſibus.

THe plaies uſually exhibited by the *Romanes*, may be divided into three ſorts: ſome were *Ludi ſacri*, others *Honorarii*, others *Ludicri*. Thoſe were termed *Sacri*, which were inſtituted immediatly to the honour of the Gods: Such were theſe that follow in their ſeverall Chapters. *Megalenſes ludi*, they are called ſimply *Megaleſia*, from the Greek word μέγας, ſignifying *Magnus*, becauſe they were performed in the honour of *Cybele*, called *Magna mater*; of which I have ſpoken formerly, and there alſo diſcovered the manner of this feaſt. Only here take notice of that which is not mentioned there, namely, that theſe Games beganne, *à pridie Nonas Aprilis, id eſt*, on the fourth of *April*, and continued ſix daies after: it appeareth by divers Authors, but more eſpecially by *Ovid*, who could not eaſily be corrupted, *Ovid. Faſt. lib. 4.* He having ſpoken of the riſing of the *Pleiades*, which is on the ſecond of *April*, addeth,

Ter sine perpetuo cœlum versetur in axe,
Ter iungat Titan, terq; resolvat equos,
Protinus inflexo Berecynthia tibia cornu
Flabit, & Idææ fessa parentis erunt.

This I note, that the error crept into [a] *Livy*, may be observ'd, who treating of the matter in hand, saith: *In eadem victoria, quæ est in Palatio, pertulere Deam pridie Idus Aprilis, isq; dies festus fuit: populus frequens dona Deæ in Palatiũ tulit; Lectisterniũ, & Ludi fuere, Megalesia appellata.* That is, that these plaies were celebrated upõ the twelfth of *Aprill*. But in the judgement of many expositors, we are to read *Pridio Nonas*, for *Pridie Idus*. Moreover, servants might not be spectators here, & because the *Prætors* did frequent these sports, in their purple and best robes, [b] hence grew that proverb *Purpura Megalensis*. To the younger sort at this time, liberty was granted, to counterfeit all mens gestures and speeches, without distinction of degree or age. [c] They were sometimes termed *Ludi scenici*, though properly, *Ludi scenici*, signified stage-playes, and were performed in the honour of *Bacchus*.

[a] Liv. lib. 29.

[b] Ant. Const. in Ovid. Fast. lib. 4.

[c] Ia. Scalig. Poet. l. 1. c. 29.

Cap. 2.

Ludi Cereales.

That these games were performed in the honour of *Ceres*, is by none doubted. In them was represented the *Roman* Matrons, *Ceres* her lamentation for her daughter *Proserpina*, taken away by *Pluto*; the *Roman* men beheld these playes in white gownes: the women performed the sacred and holy Rites in a white garment also. Among whom it was observed, that then they thought their service gratefull to the Gods, when it was performed by those that were joyfull, and free from all funerall pollutions. At this time there was a solemne going in procession, and carrying about their Gods in the Cirque, this solemnity was pro-

properly called *Pompa*.

Circus erat pompæ celeber, numerofq; Deorum,
Primaq; ventofis palma petetur equis,
Hic Cereris ludi, &c. Ovid. Faſt. lib. 4.

The māner of this ſolemn ſhew, which as I noted, was properly called *Pompa*, is deſcribed [d] thus by its particulars; that there was, *Simulachrorum ſeries, imaginum agmen, currus, thenſæ, armamaxæ ſedes, corona, exuvia, id eſt.* *Firſt* in this ſolemne proceſſion, were carried about the Images of the Gods *Secondly*, the images of well deſerving men. *Thirdly* Chariots led up and downe for greater ſtate and magnificence; unto this *Virgill* alludeth:

Hic illius arma
Hic currus fuit.

Fourthly, Pageants, ſo I interpret *thēſa*, which were ſo called *quaſi tenſa, a tendendo*, as [e] *Aſconius* noteth, becauſe they were carried up and downe, by the help of certain ropes, which to touch they counted a point of religion. *Fiftly*, horſ-litters, for that theſe *armamaxæ*, were not Chariots, or wagons appeareth by him, [f] *Qui ex curriu in armamaxam deponebatur*. They ſeem to have been of a compounded forme, in part like chariots, called ἅμαξαι, in part like waines, called ἁμαξαι, and thence ἁμάμαξα hath its appellation, ἁμάμαξα, *inquit, Phavorinus*, ἣ ἁμαξα ἀδρῶν καθίδρυσιν κατασκευασμένη ἅμαξα, διὸ πᾶσμα ἡ ἅμαξα. ἢ ἀδρεμαξὲ τὴς ὑπὸ ἢ ἄγυσι τύπε, ἀδρεγες. In which words, beſides the etymology expreſſed, the uſe therof is declared to be for the carriage of men. That as the chariots went empty for greater magnificence, and as in their pageants were carried, the *Simulachra Deorum*, according to that, [g] *Thenſa Deorum vehiculum*: ſo in theſe horſe-litters were carried men; or rather that ſame *agmen imaginum*, which was the ſecond particular. *Sixtly*, chaires of State, *Seventhly*, crownes. *Laſtly*, ſpoiles taken from their enemies. Theſe three laſt I take to have been uſed chiefly & principally in the *Roman* ſupplications, or publike thankſgivings,

[d] Ter. reſpect. cap. 7.
[e] Vid. Franc. Iun. annot. in Tert. de ſpect. It de tenſis vi. Turneb. 29. 27.
[f] Herodot. 17.
[g] Alex. ab Alex. l. 2. c. 30.

givings, for any great victory; the custome being in such shewes, when they came to such & such remarkable places in the cirque, to pitch a certain chair, adorned with crowns of victories & spoiles taken from the enemy, reputing it not the least office, [h] thus to honour their Emperour, though absent, with the prerogative of such a chaire. Now in the preparation to this particular shew, we read, that an egge was especially provided. It is observed by [i] many out of *Macrobius*, whose words are; *Ovumq; in Cerealis Pompæ apparatu numerabatur primum.* The observation is generall, but the reason thereof, *Inter arcana Cereris*, quite suppressed, & by none that ever I could meet with, yet explained: if my conjecture may satisfie in a matter so obscure, conceive it thus. These pompous shewes were various, & in the honour of divers Gods, & accordingly the *Romans* made choice in every such solemnity, of some one principall thing in their shew, unto which the glory of the present solemnity should in more especiall manner belong. Thus in the *Pompa circensis*, which was celebrated in the honour of the [k] Sun great horses were led up & down for greater state; [l] *Quia equis, & equestribus exercitamentis, sol præesse credebatur superstitione antiquissima.* Hence the Cirque place it selfe was called ἱππόδρομος, & ἱππόδρομον. After this same manner in this *Pompa Cerealis*, (which was also sometimes called *Circensis*, from the place where it was exhibited) an egge was chiefly and principally provided: for seeing that under the name of *Ceres*, this solemnity was performed to the *Earth*, how could the *Earth* be more honoured, the by bearing about the hieroglyphick of the whole world? As if they did intimate thereby, that even heaven it selfe was beholding to the *Earth*.

—— Pecori frondes alimentaq; mitia fruges
Humano generi, vobis quoq; thura ministro. Ovid. Met. l. 2.

And such an hieroglyphick [m] *Cœlius Rodiginus* proveth an egge to be, partly frō its circular and globe-like forme, partly frō the matter whereof it consisteth; the hard shel, resembling

[h] Vid. Isaac. Casaub. in Sueton. Iul. c. 76.

[i] Hosp. de orig. fest. Rosin. l. 5 c. 14 Alex. ab Alex. l. 6. c. 19.

[k] Solis honore novi gratia spectacula circi Antiqui sanxere patres. Corrip. Afric. l. 1. c. 17. vid. Dempster. l. Franc. Iun. annot. in Ter. de spect. c. 8.

[m] Cœl. Rhod. lib. 27. c. 17.

bling the ſolid earth; the more ſpirituous part thereof, the ayre; the moiſt and liquid part, the water; the yolke, the elemet of fire; yea he noteth alſo, as there is *in mundo*, ſo likewiſe *in ovo, vis vitalis*, a kind of quickning, and enlivening power in both. Otherwiſe if this opinion give not content, we may interpret the carrying about of the egge, to be in the honour of *Caſtor* and *Pollux*: for as there were markes, or goales in the Cirque, ſome in the forme of *Dolphins*, in the honour of *Neptune*: ſo were there others [n] ὠοειδῆ σημεῖα, markes of a long roundneſſe, in forme of an egge, in memory of [o] *Caſtor* and *Pollux*, which were *ovo editi*; according to that of *Horace*:

Ovo prognatus eodem. Hor. ſerm. 2. ſat. 1.

For the ſame reaſon happily it was, that an egge was at this time carried up and down, as the chief & principall enſigne.

n Dio. lib. 49.

o Tertul. de ſpect. cap. 8.

CAP. 3.

Ludi Florales.

THeſe Games or ſports, were inſtituted in the honour of the Goddeſſe *Flora*, that ſhe being therewith appeaſed, the earth might bring forth flowers, and fruits in great abundance. Of the Goddeſſe it hath been ſpoken before. The time of the year whē theſe ſports were obſerved, [p] was upon the foure laſt daies of *April*, and the firſt of *May*, whence is that of *Ovid*, *Faſt. 5.*

p Alex. ab Alex. lib. 6. c. 8.

Incipis Aprili, tranſis in tempora Maii:
Alter te fugiens, cùm venit alter habet.

The manner thereof was, that ſhameleſſe ſtrumpets did then run up and downe the ſtreets naked, uſing many laſcivious & obſcene geſtures, and ſpeeches, they were called together by the ſound of a trumpet, unto which *Juvenal alludeth.*

— Digniſſima prorſus
Florali matrona tuba.

More

Moreover, whereas in other games, Boares, Lions, & Beares, were publikely baited, to recreate the ſpectators: here only Goates and Hares, and ſuch milder beaſts were hunted, [q] becauſe the Goddeſſe *Flora*, had not the cuſtody of woods, and Forreſts, where the wild beaſts, ranged, but Gardens, and Medowes. At this time alſo, Elephants, were brought forth into the publike view of the people, which were taught [r] to walke on ropes, and that there is an aptneſſe in Elephants to goe forward and backward on ropes, [s] *Pliny* teſtifieth.

q Hoſp. de orig. Feſt.

r Suet. in Gal.

s Plin. l. 8. c. 3.

Cap. 4.

Ludi Martiales.

Of theſe ſports there is not much ſpoken: [t] they were obſerved upon the firſt of *Auguſt*, becauſe on that day the Temple of *Mars* was conſecrated. They were firſt inſtituted [u] by *Numa Pompilius*.

t Dio. lib. 60.

u Tert. de ſpec. cap. 5.

Cap. 5.

Ludi Apollinares.

There was an ancient Poet, called *Martius*, † out of whoſe writing, as likewiſe out of the *Sybelline* Oracles, the *Romans* were admoniſhed to dedicate certain games to *Apollo*. At the firſt celebration of them, [x] it is reported, that a ſuddain and unexpected invaſion of enemies, enforced the *Roman* people to forſake their ſports, and to betake themſelves to weapons: in which time of their diſtraction, a cloud of darts and arrowes was ſeen to fall upon their enemies, ſo that they preſently returned conquerours unto their ſports, where [y] at their returne they found one *C. Pomponius*, an old man dancing to a minſtrill, and being very joyfull, that their ſports had been continued with-

† Liv. lib. 5. dec. 3.

x Macrob. l. 1. Sat. c. 17.

y Suet. Pomp. Feſt. vid. Hoſ. de orig.

without interruption they cried forth, *Salvates est, saltat sexex.* Which speech afterward became proverbiall, and is fitly used, when a suddain evill is seconded with a good event, beyond hope or expectation.

Cap. 6.

De ludis Romanis, qui & magni, & Consuales, & Circenses dicti.

THese solemnities are sometimes called *Romani ludi*, because of their antiquity amongst the Romans, being first instituted by *Romulus*: sometimes *Magni ludi*, either because of the great charge and expence of money at that time, or because they were performed in the honour of their great God [a] *Neptune*, called also *Consus*, because hee was reputed the God of secret *counsels*, whence the solemnities themselves are sometimes called *Consualia*: whereas many of the Roman Temples, for certain mysterious significations, had their peculiar manner of building. [b] *Servius* noteth, that the Temple in the great Cirque, dedicated to *Consus*, was covered, to signify that counsels must bee secreted, and concealed. Likewise for the same reason, [c] his Altar was made under the earth, not appearing in publique view, save only in the time of these solemnities exhibited. The chiefe ceremonies used at this time, consisted in the adorning of their horses and asses with garlands, wherein they thought that *Neptune* was honoured, who was the first author and inventer of horse-riding: hence *Neptune* himself is called [d] ἵππιος. This festivall was first instituted by *Evander*, in the honour of *Neptune*, under the name of ἵππιος, & [e] thence the feast was called ἱππονόμια. Afterward it was ruined by *Romulus*, in the honor of *Neptune* likewise, but under the name of *Consus*, because *Romulus* needed a God of counsell to assist him in that designement of his, for the violent taking away of so many

a Tertul. de spect. cap. 5.

b Serv. in Vir. Æn. lib. 6.

c Alex. ab Al. l. 5. c. 26.

d Vid. Suid.

e Dion. Hal. lib. 1.

many *Sabine* women, as were taken away at the first celebration of these games. The reason of *Romulus* his institution of them, being no other, but that upon the fame of these new sports, many *Sabine* women flocking thither to be spectators, his project might be the sooner effected. These and the cirque-shewes, so often mentioned in ancient authors, at first were all one, as appeareth by that of [f] *Valerius*. *Adiò tempus circensi spectaculo contenta eraoivitas nostra, quod primus Romulus raptis virginibus Sabinis consualium nomine celebravit*. Touching these cirque-shewes, some are of opinion that they were performed in the honour of *Ceres*, this [g] *Julius Scaliger* is displeased, & he is of opinion, they were celebrated in the honour of *Neptune*: others are of opinion they were instituted in the honour of the *Sun*. All opinions may bee reconciled, if we understand first, those Authors who ascribe these cirque-shews to *Ceres*, to speak of the *Cereales ludi*, which we read sometimes to be called *Circēses* because they were exhibited in the *cirque*. Secondly, if we distinguish the *Pompa Circensis*, from the *Circenses ludi*, and from the *Cereales ludi*. The *Cereales ludi*, were instituted in the honour of *Ceres*; the *Circenses ludi*, in the honour of *Neptune*; the *Circensis Pompa*, in the honour of the Sunne. And farthermore for the full understanding hereof, wee must know that the horses brought into the Cirque at this time, were of two sorts: some were only *munus* such as were led up and down for shew & state; I understād *Alex. ab Alex.* to speak of these horses, when he saith [h] horses were consecrated to the Sun; nay I understand those horses mentioned 2. *Kings*, 23. to have bin of the like superstitious invention; where it is said, that *Iosiah* did put down the horses given to the *Sun*, & the *chariots of the Sun*. That practise, I say, hath neer affinity with this of the Romans, but I think it to have bin originally derived to the people of *Iudah*, frō the *Persians*, who also accounted them holy to the Sun, [i] & the *Persian* king when he would shew himselfe in great state, caused an exceeding great horse to

f Val. Max. l. cap 4.

g Iul. Scal. lib. poet. cap. 32.

h Alex. ab Alex. lib. 3. c. 12.

i Cœl. Rhod. antiq. l. 8. c. 2.

to be led up and down, which was called *Equus Salii*. Other horses were for exercise and race, we may call them *Sejuges* the institution of these I suppose to have been in the honour of *Neptune*. The prises of masteries exercised in time of this cirque-shew were many; Fencing, and that untill one of the combatants were killed in the place; fighting with beasts; wrestling; running of races on foot; jumping and leaping; horse-racing; sea-skirmishes exhibited in some river; coach-races; and fighting at worlebats. How soever the nature and manner of these games are in some measure understood by the very names, yet a more large discourse concerning the two last, will be very behooveful, for the more full understanding of the Roman history. These coach-races, when this māner of race was first instituted, were divided into two companies, which they tearmed *Factiones albas, & russeas*; distinguishing each faction or company, by the different colour of their [k] coats. Afterward they were divided into foure companies, distinguished alwaies by their colours: whence came that distinction; *Factiones Prasina, Veneta, Russata, Albata*; which colours may thus be englished. The first signifieth a deep green; the next a kinde of russet inclining to red; the third a Venice blew, or Turky colour; and the last a perfect white. Of these [l] *Tertullian* speaketh as followeth: *Auguris coloribus idololatriam vestierunt, & ab initio duo soli fuerunt, albus & russeus. Albus hyemi ob nives candidas: russeus æstati ob solis ruborem voti erant: sed postea tam voluptate, quam superstitione provecta; russeum, alii Marti, alii album Zephyris consecraverunt, Prasinum verò terræ matri, vel verno: Venetum cœlo & mari, vel Autumno.* As the Emperour so the people sometimes favoured one faction or company, sometimes another, & accordingly as they favoured the company, they would lay wagers on their side, which wagers they termed by a peculiar name *Sponsiones*; thus [m] *Turnebus* interpreteth *Tertullia*, where he saith that the people flockt to these races, sometimes for one reason, sometimes for another

[k] Henr. Salm. in Pancir. cap. de Cir. Max.

[l] Tertul. de spect. cap. 9.

[m] Turneb. ad lib. 8. cap. 4.

ther, but sometimes [n] *sponsionibus constitutus, id est*, stirred up with a desire of abetting, or laying wagers. To these [o] *Domitian* in his time added two other companies, the one wearing cloath of gold, the other of purple: but these latter remained not long in use: Their fighting at whorlebats they tearmed *bellare cestu*. The manner of the fight conceived thus the combatants had in each hand a strap of leather, with which each struck at the other (for we must know that this kinde of fight succeeded fisticuffes, and because in fisticuffes the party striking, did by the blow as well hurt his own fist, as he did him that was strucken, hereupon they invented this other kind of fight with lethern switches) these lethern switches they called *Cestus*, from the Greek κεστὸς, signifying a belt or girdle: to make the fight more dangerous, they did in after times tye peeces of lead, or yron at the end of these leatherne straps, so that they did with the force of the stroke, often dash out one anothers braines, and unlesse by the waight of the lead or yron, the strap might chance to fly out of their hands, they caused each strap to bee tied fast to their armes, and shoulders: neither was this without reason, for those yron or leade peices could not bee but very waightie, being made in the bignesse, and [q] form of Rams hornes. Lastly, these Cirque shewes had their appellation *Circenses*, either from the great Cirque, or shew-place, called *Circus Maximus*: where the games were exhibited; or from the swords wherewith the players were environed, as one would say *Circa enses*. They much resembled those Grecian games called *certamina Olympica*, where the runners with Chariots, were hemmed in on the one side with the running river, & on the other with swords pitched point-wise, that they should hold the race on directly, and not swarve aside without danger. [*] Some have thought them to be the same with *Iudi Gymnici*, so called from γυμνὸς, naked, because that those which did performe those kindes of exercises, did either put off all, or the greatest part of their cloaths, to the intent that they

[n] Tertul. de spect. cap. 16
[o] Suet in Domitian cap. 7.
[p] Iul. Scaliger lib. poet. 6. 22.
[q] Aldus Manut. lib. 2. de quæst. per epistolam ep. 8. vid. Rosin. ant. lib. 5. c. 54.
[*] Rosin. ant. l. 5. c. 5.

they might the more readily and nimbly performe their games; for which purpose they did also annoint their bodies with oile; whence we say, when a man hath lost his cost and labour, *Operam & oleum perdidit*; *oleum* in this place signifying cost and charges; so that the proverb was the same with that of the Cobler a crow, *Operam & impensam perist.*

CAP. 7.

Ludi Capitolini, & Agones Capitolini.

THe first institution of these games [r] *Livy* sheweth, where likewise he intimateth the reason, why they were called *Capitolini*, to have been in the honour of *Iupiter Capitolinus*, because he preserved the *Capitoll*, when it was assaulted by the *Gaules*: wee must distinguish these games from those other shewes called *Agones Capitolini*, instituted by *Domitian*: For those *Ludi* were exhibited yearely, these *Agones* every fift yeare; in those was celebrated the deliverance of the *Capitoll*; In these Rhetoricians, and Poets, and men of other profession contended for the victory, and hence [s] *Rosinus* thinketh the *Poets Laureat* to have taken their beginning. He is likewise of opinion, that *Iuvenal* alludeth unto these solemnities.

[r] Liv. Dec. 1. lib. 5.

[s] Sueton. in Domit. cap. 4.

[t] Rosin. ant. lib. 5. c. 18.

——Sed cum fregit subsellia versu
Esurit, intactam Paridi nisi vendit Agaven. Sat. 7.

Although the allusion may be granted, yet herein I thinke *Rosinus*, though otherwise learned, to have been mistaken, in interpreting *Fregit subsellia*, by *Nonstetit*; *Exeidit*, or *Nō placuit*; as if the Poet of whom *Iuvenal* speaketh, had been conquered at this time. In my opinion neither will the purpose of *Iuvenal*, nor that phrase of speech admit that construction. Not the purpose of *Iuvenal*, for the scope and drift of that Satyre, is to shew, that be the Poet never so pleasing, let him give full satisfaction to the people, yet he shall re-

ceave no benefit thereby, but a vaine and empty applause, so that he shall be compelled to sell those very Poems, which are received with so generall approbation, to buy victuals, & prevent hunger. Neither doth that interpretation agree with that phrase, for *Frangere subsellia*, doth rather on the contrary, signify the vehement acclamation given by the people in approbation of the Poem, it being a poeticall elegancy, to expresse the vehemency and greatnesse of the applause. [a] *Sydonius Apollinaris* useth the selfe-same phrase. *Hunc olim peroratem & rhetoricis sedulò plausibili oratione frangentem, socer eloquens ultrò in familiam patriciam ascivit.* Neither is that of *Virgil* unlike.

[a] Sidon. Ap. l. 5. epist. ad Sapand.

Et cantu querula rumpunt arbusta cicadæ.

Yea the *Gracians* used the same manner of speech, [x] [illegible] So that hereby I think the Poet understandeth, that *Grandes sophoi*, so often mentioned by *Martial*, it being a usuall custome amongst the Romans, to signify their approbation of their Orator or Poet, by the lowd acclamation of [illegible] or [illegible]. Vnto which *Horace* alludeth, *de arte poet.*

[x] Polyb. in hist. 15.

---clamabit enim pulchrè, benè, rectè.

But to return whence we have digressed, these latter solemnities were of such note, that whereas the Romans formerly made their computations of their greater yeare, called *Annus magnus*, by their *lustra*, now they made it by these *Agones capitolini*. Again we must distinguish these *Agones quinquennales* instituted by *Domitian* from those *Ludi quinquennales* instituted by [z] *Augustus Cæsar*, in memory of the victory, which he got against *Antonius*, upon the promontory *Actium*, whence they were called *Actiaci Ludi*.

[y] Hospin. de orig. fest.

[z] Sueton. Aug. cap. 18.

CAP.

Cap. 8.

De ludis secularibus.

AVthors agree not upon the just period of time, when these secular games were to bee renued; some are of opinion that they were to bee celebrated every hundreth yeare; some every hundreth and ten, some once only in three hundred: but in this all agree, that they were named *seculares*, from *seculum* which signified at least an hundred yeares, [a] *seculum in centum annos extendi existimabant*. Because the full and compleat age of man, might extend it selfe to the hundreth yeare, & seldome to any above an hundred: thence it was, that the form of words used by the publike cry in proclaiming these games was [b] *Venite ad Ludos, quos nemo mortalium vidit, neq; visurus est*. Vnto which [c] *Ovid* alludeth, *Trist. l. 2.*

Carmina---
Iusserat & Phœbo dici, quo tempore ludos
Fecit: quos ætas aspicit una semel.

But the Emperours being ambitious of honour, & desirous to be spectatours of the games in time of their own reigne, they did often anticipate the time: *Claudius Cæsar* amongst the rest, proclaimed them within [d] sixty three yeares, after *Augustus* had observed them, which occasioned the people to deride his crier, inviting the people to those shewes and sports, which no man living either had seen, or should see again: because [e] some who were spectators, nay actors in those solemnities exhibited by *Augustus*, lived at the same time When *Claudius* caused this to be proclaimed. These plaies were also [f] called *Tarentini ludi*, not from the City *Tarentum* in great *Greece*; but from a certain place of the same name neer Rome, adjoyning to the river *Tiber*. At the Theatres at this time were filled, & sacrifices offred through out all the *Temples*, for the space of three daies, and three nights

a Rosin. ant. l. 5. c. 21.

b Pol. Virg. de invent. l. 8. c. 1.

c Ov. Trist. l. 2.

d Alex. ab Alex. l. 6. c. 9.

e Suet. Claud. c. 21.

f Hospinian. de orig. fest.

Herod. l. 3. in vita Severi.

nights, which giveth light to that of *Ausonius*:

Trina Tarentino celebrata trinoctia ludo.

The first day the Emperour and the *Quindecem-viri*, early in the morning ascended the *Capitoll*, and there offered sacrifice according to the wonted manner; thence they departed to the Theatres, to perform solemn plaies in the honour of *Apollo* and *Diana*. The second day the noble Matrons assembled together in the *Capitoll*, they offered up supplications unto their Gods, they fasted and sung hymnes, in the honour of the Gods. The third day seven and twenty boyes, going along three and three, and as many maids in like manner, all of them nobly descended, and having both father and mother alive, sung verses, in which they commended the Roman state to the protection of the immortall Gods. This was tearmed *Paanas concinere*, which word *Paan*, though it signifieth primarily an hymne, or song of praise made to *Apollo*, who was called *Paan*, [g] from *παίειν*, *aferiendo*, because of his victory gotten of the *Python*; yet [h] sometimes, and soin this place, it denoteth the phrases in generall of all the Gods. Againe the phrase intimateth an elevation of the voice in singing, with a kinde of rising from one note to another. Thus *Turnebus* maketh *παιανίζειν*, & *μυρίζειν* to bee opposite. [i] *Videtur autem Paan contentionis vocis esse, minuitio remissionis.*

g Cæl. Rhod. antiq. l. 7. c. 5.
h Servius in Æn. lib. 6.
i Turneb. adv lib. 1. cap. 12.

Cap. 9.

De ludis plebeiis, compitalitiis, Augustalibus, Palatinis, Taurilibus, & Votivis.

OTher Games there were performed in the honour of the Gods, which are rather named by Authors then explained; they are these that follow; *Plebeii Ludi*, [k] which were celebrated in memory of the liberty procured to the Roman state, by the succession of Consuls in the place

k Alex. ab Alex. l. 6. c. 19.

of

of Kings: or as others say, in memory of the reconciliation, wrought between the Senators & the Cõmonalty, by reason of their great oppression at that time, when the Commons in a kind of mutiny departed to the *Aventine* mount. 2. *Compitalii Ludi*, so called because they were usually solemnized in *Cõpetis*, (*id est*) in the crosse-waies, & open streets: [l] they were first ordained by *Servius Tullius*, in the honour of those Gods, whom they termed *Lares*, in memory of his nativity. The form of words used by the *Prator*, when he signified to the people the time of these solemnities, was as followeth, [m] *Die noni post Calendas Ianuarii Quiritibus cõpitalia erunt.* Concerning which words, *Gellius* noteth, *Die noni Prator dicit, non die nono, neq; Prator solũ, sed pleraq; omnis vetustas sic locuta est.* 3. *Augustales ludi*, performed in the honour of *Augustus Cæsar*. 4. *Palatini ludi*, so named, because they were performed in the *Palatine* moũt. Some are of opiniõ that they were instituted in the honour of [o] *Iulius Cæsar*; others in the honour of *Augustus* 5. *Taurii ludi*, which receaved their name from *Taurus*, a bull: They were first ordained by [q] *Tarquinius superbus*, whẽ there happened a great pestilence amongst the women with child, occasioned by much bull-flesh sold unto the people, for the removeall of which plague, these games were instituted, in the honour of the infernall Gods. They are sometimes also called *Boalia*, & *Bupetii*. 6. To those may we adde their *Votivos ludos*, which were also performed in the honour of some God, upon some speciall vow made. For whẽsoever the *Romans* did undertake any desperate war, then did some *Roman* Magistrate *Vovere ludos, vel templa*, conditionally that they got the conquest; whiles the Magistrate uttered this his vow, he was said *Vota nuncupare* or *facere vota*, (*id est*, to make a solemne vow unto the Gods: the vow being thus made, he wch made it did write it in paper, & with wax fastened it to the knees of their Gods, thereby binding himselfe the more strongly, to the performance; & this in *Pliny* his phrase is *signare vota*

l Plin. lib. 36. cap. ult.

m Macrob. l. 1. Satur.

n A Gel. noct. Att. l. 10. c. 24.

o Alex. ab Alex. lib. 6. c. 19

p. Lib. 56. cap. ult.

q Fest. vid. Hospin. de orig.

r Turneb. adver. l. 1. c. 17.

Juvenal termeth it,

Genua incerare deorum. Satyr. 10.

After this he was ſaid to be *Voti reus, id eſt*, conditionally bound and obliged to the performance thereof, ſo that the Gods might challenge the thing vowed as due debt, if they granted his requeſt, yea after that the thing craved had been obtained, then was he ſaid, *Damnatus voti, vel voto,* (*id eſt*) ſimply bound to the performance of the vow, ſo that by conſequence, *Damnari voti, vel voto,* is to have ones deſire accõpliſhed. Thus have we gone over the chiefe and principall games which were meerly *Sacri*, tending to religion, the ſecond ſort were, *Ludi honorarii*, of which in the next Chap.

Cap. 10.

De Gladiatura.

SVch ſports and plaies, which were performed by private men upon their own purſe and charges, they ſeeking therby to winde themſelves into the affections of the common people, & to make way for their own preferment and honour, were termed [a] *Ludi honorarii*, & howſoever any game or ſhew might be tendred unto the people in this reſpect, yet thoſe of this nature, were for the moſt part, *either fencing*, or *ſtage-playes*: *fencing*, becauſe the ſight thereof was ſo often freely beſtowed upon the people, is therefore many times denoted by the Latin word, [b] *Munus*; and thoſe that beſtow theſe ſights, are for the ſame reaſon termed *Munerarii*. The firſt originall of this fencing, and ſword-playing, to the killing of one another, hath been derived [c] from a cuſtomary practice among the Heathens, at the burials of their friends, who were perſwaded that the ſhedding of mans bloud would be propitiatory for the ſoule deceaſed; hence would they buy captives and ſlaves, purpoſely to be ſacrificed at burials: afterward that this wicked ſpecta-

[a] Iſaac. Caſaubon. in Suet. Aug. 32.

[b] Lipſ. Sat. l. 1. cap. 7.

[c] Tertul. It. Servius in Æneid. 10.

cle

cle might be the more pleaſant and delightfull, they changed their ſacrifice into a fencing with art, where the combatants did fight for their life. This particular kind of *Fencers* were called *Buſtuarii* from *Buſtum*, the place where dead mens bodies were burned; but ambition and cruelty, made theſe bloudy ſpectacle in after ages more frequent, inſomuch that prizes at laſt were plaid not only at the toombes, but in diverſe other places, as the *Cirque* & *Amphitheatre*, &c. yea they were given as legacies by will and teſtament unto the people, the prizes have continued many daies together, and the number of the combatants ſometimes exeeeded nũber. At the firſt none would thus hazard their lives, but captives, and fugitive ſervants, which were enforced thereunto, being bought for that purpoſe; afterward thoſe that were free-borne ſuffered themſelves to be hired, for which cauſe they were termed *Auctorati* hirelings; [d] yea noble men themſelves ſometimes by reaſon of their decayed eſtates, ſometimes to demerit the Emperour his love, endangered their lives in this fight: thoſe that were hired, bound themſelves by a ſolemne oath to fight unto death, or elſe they would yeeld their bodies to be whipt, yea and to be burnt, unto which [e] *Horace* alludeth.

[d] Sen. ep. 100.

[e] Serm. 27.

Quid refert, viri, virgis ferõ̃ necari?
Auctoratus eas? an turpi clauſus in arca?

The manner of this bloody ſpectacle was thus, the Maſter, or exhibiter thereof, did by a publique bill, give notice unto the people, what day the prize ſhould be performed, how many couples were to combat, what their names, &c. thereby to procure the greater expectation, & concourſe of people: of this ſpeaketh [f] *Sueton, Munus populo pronunciavit in filiæ memoriam.* [g] Yea they did in tables hanged in publique view, paint and repreſent, not only the deſcription of the place, but alſo the very forme and geſture of the fencers.

[f] Sueton. in Iulio.

[g] Plin. 35. 7.

---velut ſi
Revera pugnent, feriant, vitentq; moventes

Arma viri. Horat.lib.2.Sat.7.

Vpon the day appointed when all met, then were the weapons brought forth, and those, they were of two sorts: *Lusoria*, or *Exercitoria tela*, such as were the speares & wands, or cudgells, that they might tosse the one, & fence with the other, and shew other feats of activity, all being but preparations to that more solemne & dangerous fight ensuing. The Greeks called them ἰσοπαρομμύα ἀκόντια, because of the litle balls tied at the sharpe end of the weapons, to prevent dangers. Other were [h] *Decretoria tela*, so called, *Quia hæc velut decreto Prætoris, sive Editoris dabantur.* These were those, with which they really encountred each other for life or death, and therefore sometimes they are called *Pugnatoria*, [i] *Seneca* speaketh of both; *Remove ista lusoria arma, decretoriis opus est.* And that the Apostle doth not allude to both, I dare not gaine-say, 1. *Cor.* 9. 26. 27. where he saith οὕτω πυκτεύω ὡς οὐκ ἀέρα δέρων, ἀλλ' ὑπωπιάζω μου τὸ σῶμα. He did not beat the ayre, and flourish with those lusorious, and preparatory weapons, but he did truly fight against his naturall corruption, to the wounding and subduing of it; for [k] so ὑπώπια signifieth putrified wounds. That phrase of [l] *Seneca's* alluding to the fore-flourishings, is not much unlike; *Aliud est ventilare, aliud pugnare.* This fore-skirmish with cudgells was properly termed *præludium: Megare* speaking of *Hercules* his conquest over the two Serpents, assaulting him being yet an infant, saith, [m] *Præluſit Hydræ, id est,* that combate was but the prologue, preface, or introduction to that greater which should ensue between him and the *Hydra.* Afterward when they betook themselves to naked weapons, and to a reall fight, then were they said *Dimicare ad certum*, and *Versis armis pugnare.* This word [n] *Versis* being put for *Transmutatis.* In the act of fighting, they did frame & compose their body according to the rules of their art, for the better warding of themselves, and the readier wounding of their adversary. This frame and posture of the body

h Lipſ. Sat. l. 2. cap. 19.

Senec. epist. 117.

k Suid. id voce ὑπώπια.

l Sen. l. 3. cont.

m Sen. Herc. fur. vers. 221.

n Lipſ. Sat. l. 2. cap. 19.

body, was by a peculiar name called *Status*, or *Gradus*; whence arose those elegant Metaphors, *Cedere de gradu*, *Demigrare de gradu*: To change ones purpose, and as it were to draw back from what he formerly intended. In like manner we say, *De mentis statu dejicitur*, or *deturbatur*; he is driven to change his minde, or in generall, he is amazed. In the conflict, oftentimes the sword-players after they had received any dangerous wounds, laid down the weapons, which though in extremity was a token of cowardise, neither were they thereupon acquitted or discharged; but this depended upon the consent either of the Emperour, or the people, or the Master of the shew. This discharge was properly called *Missio*. Such was the cruelty of those times, that many prizes were proclaimed, wherein they fore-signified, that such discharges should neither be craved, nor granted: whereupon [o] *Augustus Cæsar* made a decree, wherein *Gladiatores sine missione edi prohibuit*. Those combatants that overcame, received by way of reward, sometimes mony, sometimes a garland, or coronet of palme-tree, wound about with certain wollen ribbands called *Lemnisci*; the coronet it self was therefore called [p] *Palma lemniscata*, and hence figuratively hath *Palma* been translated to signify the victory it selfe, & such a man as hath often gotten the prize, we say proverbially that he is *Plurimarum palmarum homo*. The reason why the Palme-tree, rather thē any other tree, should be given in token of victory, is rendred by [q] divers approved authors to be this: because the Palme-tree, though you put never so ponderous and heavy weight upon it, yet it will not yeeld, but rather endeavour the more upward. Sometime the reward given by the people, was one of those wands, or cudgels used in the fore-skirmish. That wand was properly called *Rudis*, and it was given in token of liberty, signifying thereby, that he should thence forward lead his life free frō shedding of blood: alluding to which custome, this word [r] *Rudis* hath been used to signify any other kind of free-

[o] Suet. Aug. 49.

[p] Franc. Sylv. in orat. pro Sext. Rosc.

[q] Arist. prob. 7. Plut. symp. 8. q. 4. A. Gell l. 3. c. 6.

[r] Eras. Adag. Rudem accep.

dome or diſcharge: Whereupon *Horace* ſaid of himſelf, that he was *Rude donatus, id eſt*, diſcharged frō his paines in poetry. Laſtly, ſometimes he that conquered receaved *Pileum*, a cap. And here it will not be amiſſe, to note the difference between *Palma, Miſſio, Rudis*, & *Pileus*; *Palma*, was onely a token of victory, not of liberty, or diſcharge. *Miſſio* was not a full diſcharge, but a kind of vacation, or reſpite granted upon requeſt, untill the morrow, or ſome other time: againe it was granted to thoſe that were conquered, not to the conquerers. *Rudis* was a token of full diſcharge from bloudy combats, whereby a mans life might be indangered; but yet with this diſtinction, that if it were beſtowed upon free Citizens, hired to be actors in theſe maſteries, then were they thereby reſtored to their freedome alſo, which formerly they forfaited by undertaking ſuch baſe conditions: to others which were formerly ſervants, or captives, it was only a token of liberty and diſcharge. Notwithſtanding ſometimes upon favour, ſuch ſervants or captives, obtained together with their diſcharge from ſuch fights, a priviledge alſo of enfranchiſement, wherby they were thence forward incorporated amongſt free Citizens, the token hereof was *Pileus*, for then they received a cap; which latter obſervation helpeth for the underſtanding of *Tertullian*, where he ſaith. ſ *Qui inſigniori cuiq; homicidæ leonem poſcit, idē gladiatori atroci petat rudem, & pileum præmium conferat.* In which ſpeech the unjuſt, and the unreaſonable practice of thoſe heathens is diſplayed, whiles they judge a man-ſlayer to be expoſed to Lions & wild beaſts: and yet notwithſtanding will reward the bloodineſſe of ſword-players. Theſe fencers fought with diverſe manner of weapons, and accordingly had ſeverall names, the chiefe of which we read are theſe. 1. *Retiarii*, ſo called from *reteiaculū*, ſignifying a float-net uſed in fiſhing, becauſe this ſort of Fencers, did fight with a caſt-net in one hand, to catch, and claſpe about their adverſaries head; and a three forked engin in the other, which they uſed in ſtead of a

ſ Tertul. de ſpect. cap. 21.

ſword

ſword: of this *Iuvenal* ſpeaketh, *Satyr.* 8

---Movet ecce tridentem,

They did alwaies fight in their coats, whence the Epitheton floweth, *Retiarii tunicati*, The reaſon why they bore up and down ſponges, which *Tertullian* calleth *ſpongias retiariorũ*, may be for the drying up of the bloud, and wiping, or ſtopping of the wounds: whichuſe of ſponges, [t] *Pliny* noteth. Now becauſe theſe *Retiarii* were ſo light armed, they were compelled every time they ſtroke with their net, to retire back untill they recovered their net againe: and hence the ſecond ſort of fencers, which fought with thẽ, were termed [u] *Secutores, ab inſequendo*, from following & purſuing theſe *Retiarii*. The weapons wherewith theſe *Secutores* did fight, were a target, to keep off the net of the adverſary; a ſword; & an helmet. 3[ly] *Thraces*, ſo called frõ the *Thracian* weapons which they uſed, their target was round and little, called *Parma*, it was at firſt in uſe among the † *Thracians*, and afterward ſo proper to this ſort of ſword-players, that [x] *Parmularius*; ſignifieth ſuch a one as favoured this cõpany, or faction of offencers. Their ſword was a crooked falchion, termed by them *Sica*. The *Roman* ſouldiers did uſe to weare two of theſe, a long one on the left ſide, and ſhorter on the right ſide, anſwerable to our ſword and dagger, but the forme of the *Sica*, was alwaies crooked, according to that. *Sica* [y] Privy murtherers practiſing the killing of men, may ſeem to have uſed the leſſer, as a pocket dagger; ſuch are thoſe *Sicarii*, of which there is ſuch often mention in *Tulli*. 4[ly] *Myrmillones*, they are ſometimes called *Galli*, becauſe they were appointed after the manner of the *Gaules*. Their weapons were a ſword, a target, an helmet with a creſt in forme of a fiiſh. 5[ly] *Hoplomachi*, the name imports them to be armed in their fight, it is derived from the Greek ὅπλον *vel* ὅπλα *arma*, and μάχομαι, *pugno*: untill *Auguſtus* his time they were named *Samnites*, their armour was an helmet with a tuft on the creſt, a ſword, a ſhield, and a boat on the

[t] Plin. lib. 31. cap. 11.

[u] Lipſ. Satur. lib. 2. c. 7.

† Turn. Adv. lib. 5. cap. 10.

[x] Suet. in Domit. cap. 10.

[y] Alex. ab Alex. l. 6. c. 22.

the left legge. 6ly *Provocatores*, sometimes called *Probatiores*, these usually fought with the *Hoplomachi*; their armour was a sword, a target, an helmet, and boots on both legges. For as the footmen amongst the souldiers; so likewise some of the sword-players used boots, for the safegard of their legges; these boots were made of* iron, and so common amongst the Grecians in warre, that boots alone are oftentimes put to expresse the Grecians whole armature, as appeareth by that usuall epitheton in *Homer* ἐυκνήμιδες Ἀχαιοὶ, *id est*, *Bene ocreati Graci*. These boots they wore sometimes on both legges, sometimes on one, according as the māner of fight required. 7ly *Essedarii*, such as fought one against another out of wagons, so called from *Essedum*, a wagon or chariot. 8ly *Andabatæ*, *quasi ἀναβατοὶ*, *ascensores*, because they did fight on horse-back, or out of chariots. This sort of fencers, did fight winking, whence ariseth that adage, *Andabatarum more pugnare*: the phrase is fitly used, when two ignorant persons are hot in contention about that which neither understandeth. 9ly *Dimachæry*, called also *Orbela*, they fought each against the other, with two swords a peece, as the first name importeth. 10ly *Laqueārii*, such as fought with swords & halters, the use of the halters, was the same as the *Retiārii* made of their nets, to cast about their adversaries neck or arme, that they might the easier wound them with their sword. Of all these sorts of fencers [1] *Lipsius* treateth largely, to whom I referre the reader. Only here let him take notice that it was in the power of the people, to discharge any of these combatants in time of the fight, which discharge they signified, *premendo pollicem*, by holding down their thumbe: or else to adjudge him to continue the fight, though in never so great danger, and this latter they signified *convertendo pollicem*, by turning up the thumb.

* Veget. vide Lipſ. de milit. lib. 3. dial. 7.

[1] Lipſ. Sat. 2.

--- Et verſo pollice vulgi
Quemlibet occidunt populariter. Juven. Sat. 3.

Moreover that there might be alwaies in readines, a sufficient

ent number of ſword-players, hence were their ſchooles erected, into which captives, fugitive ſervants, and notorious offenders, were ſometimes condemned, ſometimes ſold. The Maſters of theſe ſchooles were called *Laniſtæ*, the ſchollars or under-fencers, trained up there for more publike & dangerous fights, were called *Familiæ*. The word *Familia* is often taken in this ſenſe, to ſignify the whole company of under-fencers, belonging to one ſchoole; and the Maſter of defence is for this reaſon, more then once by [m] *Sueton* called *Pater familias*. Moreover, when one challenged another to theſe combats, they ſignified their challenge by beckning with their litle finger. *Horace* alludeth unto this,

Criſpinus minimo me provocat, accipe ſi vis,
Accipe jam tabulas lib. 1. Serm. 4.

This muſt be underſtood of a beckning, and that with the litle finger; for otherwiſe in time of the fight, if either of the combatants did hold up his finger, [n] he ſignified thereby that he did yeeld, and give place unto his adverſary: ſome think that *Perſius* had reſpect unto this cuſtome, in that phraſe.

——— *Digitum exeré, peccas. Sat. 5.*

[m] Sueton. Caligula, 26. & in Domit. 10.

[n] Alex. ab Alex. l. 4. c. 26.

Cap. II.

De ludis Scenicis.

THE ſecond ſort of plaies beſtowed on the people for their favour, were *ludi Scenici*, ſtage-plaies. The reaſon of this name *Scena* may be ſeene before. [x] The firſt inſtitution of them was occaſioned by reaſon of a great ſickneſſe, which by no medicinary help could be removed; The Romans ſuperſtitiouſly conceiting, that ſome new games or ſports being found out, the wrath of the Gods would thereby be unarmed. [y] Whereupon, about the foure hundreth yeare after the building of Rome, they ſent for certain ſtage-players out of *Hetruria*, which they called *Hiſtriones*, from

[x] Lazius de Repub. Rom. l. 10. c. 11.

[y] Alex. Gen. dier. l. 6. c. 19.

the *Hetrurian* word *Hister*, which signifyeth such a player. *Quia Hister Thusco verbo ludus appellatur, id nomen Histrionibus est inditum. Polidor. de inven. lib. 3. cap. 13.* Concerning the divers kindes of stage-plaies I read of foure, called by the *Græcians, Mimica, Satyra, Tragœdia, Comœdia:* by the *Romans, Planipedes, Attellana, Prætextatæ, Tabernaria.* In English, Fables Mimicall, Satyricall, Tragicall, Comicall: These Mimicall players did much resemble the Clowne in many of our English stage-plaies, who sometimes would goe a tip-toe in derision of the mincing dames; sometimes would speak full mouthed to mock the country Clownes; sometime upon the top of the tongue to scoffe the Citizen. And thus, by the imitation of all ridiculous gestures or speechees, in all kinde of vocations, they provoked laughter; whence both the plaies and players were named *Mimi*, frō μῦω an imitator; or one that doth ape-like counterfeit others, as likewise they were called *Planipedes*, because the Actors did enter upon the stage *planis pedibus, id est,* [z] *Excalceati* bare footed. The second sort of plaies were called *Satyræ*, [a] from the lascivious and wanton country Gods called *Satyri*, because the Actors in these *Satyricall* plaies, did use many obscene poems, and unchast gestures to delight their spectators. Afterward these kinde of Actors as we may conject, did assume such liberty unto themselves, that they did freely and without controlement, sharply tax & censure the vices even of Kings as well as of the cōmons; insomuch that now we eal every witty poem, wherin the lives & manners of men are sharply taxed, A *satyr*, or *Satyricall* poem. [b] *Satyra mordax fuit & salsum genus carminis.* These *satyricall* plaies were also called *Attellana*, from the city *Attella* in *Campania*, where they were often acted. The third sort of stage-plaies were called *Tragœdia*, from τράγος a Goat, and ᾠδὴ an Ode or song; because the actors thereof had a Goat given them as a reward. And likewise they were called *Prætextatæ* from *prætexta*, a certain Roman robe, which these actors

[z] Alex. ib.

[a] Antesignan in suis obser. de metris comicis Teren. præfixis.

[b] Vid. Erasm. adag. Καμικὸς σατυρικοί.

ctors did uſe to weare in their plaies. The fourth ſort were *Comœdie* from κώμη which ſignifieth villages, & ἀδὴ, becauſe theſe kinde of actors did goe up and downe the country acting theſe Comœdies in the villages as they paſſed along. They were likewiſe called *Tabernaria à tabulis, id eſt*, from the boards or pentices, wherewith they were ſheltred from the weather, whiles they were acting. Theſe two laſt ſorts of plaies, namely *Tragœdies*, and *Comœdies*, being ſtill in uſe among us, it will bee worth our labour to conſider the communities, wherein they agree; otherwiſe the proprieties or notes of diſtinction by which they differ. I find three ſorts of parts, wherein they agree, namely *partes primaria, acceſſoria, circumſtantes*; parts principall, acceſſory, and circumſtances, which are not ſo truely parts, as accidentall ornaments added to beautify the plaies. The principall parts are foure, in reſpect of the matter treated of. For as far as the declaration or expoſition of the matter in hand reacheth, without intimation of the event to enſue, ſo far reacheth the firſt part called πρότασις, which word ſignifieth no more then a propoſition or declaration. But when the play enclineth to its heat and trouble, then enſueth the ſecond part called ἐπίτασις, which ſignifieth the intention or exaggeration of matters. The third part is called ἀκμὴ, *id eſt*, the ſtate and full vigor of the play. The laſt part which is an unexpected change into a ſuddain tranquility and quietneſſe is called κατάστασις, whence by a *metaphor*, it hath been tranſlated to ſignify the end or period of any other thing; or rather the inclination unto the end, as *vitæ humanæ cataſtrophe*, the end of a mans life. In reſpect of the players forſaking the ſtage, the parts were five, namely the five Acts; for the Actors did five times in every *Comœdy* and *Tragœdy* forſake the ſtage, and make as it were ſo many interruptions. The occaſion whereof is ſuppoſed to haue been this, that the ſpectators might not bee wearied out with a continued diſcourſe or action, but that they might ſometimes be delighted with variety intermixed. For

those breaches and chasmes between each act, were made up and supplied; either by the *Chorus* or *Musick*. Where we must note, that every Tragœdy and Comœdy must have five *Acts*, and no more, according to that of *Horace*,

Neve minor quinto, neu sit productior actu
Fabula.

Again we must remember that it is not necessary that the πρῶτος should alwaies be contained in the first Act, though many times it hapneth so: for in *Plautus* his bragging souldier the *Protasis* is found in the second Act: and so likewise have the other three parts, *id est*, *Epitasis*, *Catastasis*, and *Catastrophe*, their bounds unbounded. These Acts are divided into severall scenes, which sometimes fall out more sometimes fewer in every Act. The definition of a scene being [c] *Mutatio personarum*: Whence wee call a subtile *Gnatho* which can humour himselfe for all persons and times *omnium scenarum homo*, a man fit for all parts. Now amongst the Romans it was thought unfit, that above three persons should come upon the stage in one scene.

c Vid. Erasm. Adag.

Nec quarta loqui persona laboret. Hor.

The *Partes accessoria* in a *Comœdy* are foure; *Argumentum*, *Prologus*, *Chorus*, and *Mimus*. The first is the matter or subject of the Comœdy: the second is the Prologue, which is either ἐνδεικτικὸς, such as doth open the state of the fable, at which time there needeth no argument; or else συζητικὸς, such as commendeth the fable, or the Poet unto the people; or lastly ἀναιρετικὸς, such as shall refute the objections and cavills of adversaries. The third is *Chorus*, which speaketh between each Act; and this *Chorus* may consist either of one, or many speakers, and that either male or female; [b] but with this caution, that if a male be to be commended, then must the *Chorus* consist of males; if a female be to be commended then must it consist of females. And alwaies whatsoever the *Chorus* speaketh, it must be pertinent to the Act past, or covertly intimating somewhat ensuing.

d Rosin. ant. cap. de trag. & com. lib. 5.

---*Non*

Non quid medios intercinat actus,
Quod non proposito conducat & hæreat aptè. Horat.

It may seem sometimes that in the midst of the play, some other sport was interposed, as hunting, or fencing, or such like to delight the spectators with the greater variety; whence *Hor. Si discordet eques, media inter carmina poscunt*
Aut ursum aut pugiles.

These interposed varieties, were denoted by the name of *Diludia, Displicet iste locus, clamo, & Diludia posco. Horat.* The fourth and last accessory part, was *Mimus* the clowne, or foole of the play. Of all these parts a Tragœdy hath only a *Chorus*. The *partes circumstantes*, or accidentall ornaments were foure, common to both, *Titulus, Cantus, Saltatio, Apparatus, id est*, the title of the play, Musicke, Dancing, and the beautifying of the Scene. By the Scene in this place I understand the partition between the players vestry, and the stage or scaffold. This partition at the acting of a Tragœdy was underpropped with stately columnes and pillars, and beautified with paintings resembling princely buildings and the images as well of Gods as Kings. At the acting of a Comœdy country cottages and private buildings were painted in the out-face of the partition. In the *Satyricall* plaies the painting was overcome with shadowes of mountaines and woods. The [e] first of these partitions they called *Scenam Tragicam*, the second *Comicam*, the third *Satyricam*. The difference between a Tragœdy and a Comœdy, which may be collected out of [f] *Antesignanus* are these: first in respect of the matter, because a Tragœdy treateth of exilements, murders, matters of griefe, &c. a Comœdy of love toyes, merry fictions and petty matters, the one being δεινῶν ἀπεοχή; the other πάντων ἀπεοχή. In a Tragœdy the greatest part of the Actors are Kings and Noble persons; in a Comœdy private persons of meaner state and condition. The subject of a Comœdy is often feigned, but of a Tragœdy it is cómonly true and once really performed. The beginning of a Tragœdy is

[e] Alex. Gen. dier. l. 5. c. 16.

[f] Anteſig. in ſuis obſerv. de metris comicis Terent. præfixis.

calme and quiet, the end fearfull and turbulent, but in a Comœdy contrarily the beginning is turbulent, and the ende calme. Another difference which *Anteſignanus* hath omitted is behovefull for us to know, namely that the Tragœdians did weare upon the ſtage a certain ſhooe, comming halfe way up the leg in manner of buskins, which kinde of ſhooe was called by them *Cothurnus*, and from that cuſtome it hath been occaſioned, that *Cothurnus* is tranſlated to ſignify a Tragicall and lofty ſtile, as *Sophocleo digna Cothurno*, matters beſeeming *Sophocles* his ſtile: and ſometimes a Tragœdy it ſelf. The Comœdians did uſe an high ſhooe comming up aboue the ankle, much like a kinde of ſhooes which plough-men uſe to weare to keep themſelues out of the durt. This kinde of ſhooe is called *Soccus*, by which word ſometimes alſo is ſignified a Comœdy, as

Nigris mediũ impediit crus Pellibus, Hor. Ser. l. Sat. 6.

Hunc ſocci cepere pedem grandeſq; Cothurni. Horat.

[g] All theſe ſorts of ſtage-plaies both *Mimicall*, *Satyricall*, *Tragicall* and *Comicall*, if they are acted according to the *Græcian* rite and cuſtome, then were they called *Palliatæ*, from *Pallium*, a certain mantle which the *Græcians* did uſe to weare, if according to the Roman manner, then were they called from the Roman gown *Togatæ*.

[g] Anteſig. ib.

Cap. 12.

De Trojano ludo, ſive Troia.

IT was a cuſtome among the Romans, ſometimes in the yeare to have a generall muſter of the younger ſort who meeting in the Cirque, exerciſed their running, racing, riding at tilt, and other ſuch like feats of activity, whereby they might be trained up for their better ſervice in the war. They choſe a Captaine, one or other of noble birth; [a] He was called *Princeps juventutis*. They divided themſelues into diſtinct companies, ſometimes marching forward, one againſt

gainſt another, ſometime retiring backward, ſometimes skirmiſhing, ſometimes imbatling themſelues in one form, ſometimes in another, as if it were a true field pitcht. A large and full deſcription hereof we have in *Virg. Æn.* 5. This game was called *Trojanus ludus*, or ſimply [d] *Troia*, without the addition of any other word, becauſe *Aſcanius*, *Æneas* his ſonne firſt brought it out of *Troy*, according to that of *Virgil*, in the fore-quoted place,

Hunc morem, curſus, atq; hæc certamina primus
Aſcanius, longam muris cùm cingeret Albam,
Retulit, & priſcos docuit celebrare Latinos.

[d] Suet. in Iul. cap. 39.

Among other ſports uſed at this time, [e] there was alſo a kind of morisk dance, wherein the younger men danced in harneſſe, after a warlike manner, being thereby trained, to exerciſe all parts of their body, by ſundry geſtures, as well to avoid all venews & defend themſelues, as to annoy & offend the enemy. This kinde of dance is generally called *Pyrrhica ſaltatio*; becauſe it was invented by [f] *Pyrrhus*. Yea [g] ſome ſay, that *Suetonius* taketh *Troianus ludus*, and this *Pyrrhica ſaltatio*, for one and the ſame thing. Nay *Alexander* confoundeth both theſe, with thoſe other games termed *Iuvenales ludi*. But doubtleſſe herein he was miſtaken, for thoſe *Iuvenalia*, were inſtituted by [h] *Nero* [i] at the ſhaving of his beard, and had not their name, becauſe young men were the chiefe actors, but becauſe old men would now by the practiſe of youthfull ſports, turne young again. The actions at this time were ſo far from ſavouring of military diſcipline, that on the contrary, they were for the moſt part effeminate and wanton.

[e] Alex. ab Alex. l. 6. c. 19.

[f] Plin. l. 7. c. 56

[g] Serv. in l. 5. Æn. It. Alex. ab Alex. loco ſupra citato.

[h] Sueton. in Meron. c. 11.

[i] Cœl. Rhod. lib. 19. c. 22.

[k] Roſin. Roman. l. 5. c. 22.

CAP.

Cap. 13.

De tesseris, talis, & latrunculis.

BEfore we treat of the game called *Ludus Tesserarius*, it will not bee amisse first to cleere the word *Tessera* from all ambiguity. The word hath foure remarkable significations all alluding to matters of antiquity. First it signified a watch word among the souldiers in the Campe, whereby they discerned their enemies, or spies, from their own fellowes;[o] *Alexand. ab Alexandro* giveth many examples here of: *Augustus Cæsar* in his camp, gave for his watch word, *Venus genetrix*; *Pompeius magnus* gave for his, *Hercules invictus &c.* & this was called *Tessera militaris*. 2ly There was *Tessera frumentaria*, a certain ticket, or token given by the Magistrate unto the poore, at the tendring whereof,[p] at the beginning of every month, certain doles & measures of corne were given; it is evident that at first there were such monthly distributions of corne, even by that endeavour of *Augustus*, who for the avoiding of trouble, would have reduced all to three set distributions in the yeare, but prevailed not: sometimes insteed of corne, or happily over and above the corne, there were at certain times, doles of mony given to the poore, which dole whosoever received, tendred his token or bill of exchange, termed *Tessera numeraria*; these two last exceptions, although they may be distinguished, yet because they both tended to the reliefe of the poore, I have joyned them together. Thirdly, there was *Tessera hospitalis*, a certain token of wood, or such like matter, which usually was cut in two by those who had engaged themselves mutually to entertain each other, whensoever entertainment should be craved, yea this wooden ticket or tally being mutually accepted, it was lawfull for their posterity bringing this token, to challenge hospitality. Thus he in *Plautus*, having

[o] Alex. ab Alex. lib. 4. c. 2.

[p] Suet. Aug. cap. 40.

ving formerly used *Antidomus* as his hoast: After *Antidomus* his death, he commeth unto *Antidomus* his adopted sonne not doubting of entertainment, for saith he: *Deum hospitalem, ac tesseram mecum fero*, hence from this custome, or tendering a token when hospitality should be craved, that adage hath been derived *Tesseram hospitii confregit, id est*, he hath broken the league of hospitality. Lastly, *Tessera* signifieth a dye, where we must note that the word *alea*, which commonly is translated a dye, is a generall word, applyed equally both to the *Tessera*, and the *Tali*, to denote the uncertainty of both games: *Tessera* properly signifieth a dye; *Talus*, an huckle-bone, such wherewith children play Cotkall. In determining the severall chaunces in these playes, authors are not only divers, but in many things contrary each to other, neither can any certainty be gathered from their writings; whether my conjectures drawn frō comparing their severall and contrary writings, may give light for the right understanding of decayed knowledg herein, I shall willingly submit my selfe to the censure of the judicious. The severall chances which I read of are these, some arrising frō the number of the points in the dye, as *Senio*, *Monas*, More usually amongst the Grecians, q these two were termed Κῶος, & χίος ἀπὸ γὰρ χίου ἐλήφθη ὁ ἕξ Κῶος ἕξ, *id est*, κῶος. *Chius* answered our Ace, *Cous* our Sice. And this is confirmed by a proverb in use amongst the Græcians. Κῶος πρὸς χῖον which the learned interpret to be, a comparison of unequals: a Pygmie, with a gyant: others named from the number I read not of. Perhaps they played not with a single dye, but with three as we use in Passage, whence their chaences might have their name, not from the number of points in each severall dye, but from them all being cast. But that the *Tessera* had points in them, appeareth by the testimony of a *Turnebus*: And hence *Numeri*, is sometimes used for *Tessera*.

q Suid. in voce.

a Turneb adu. lib. 5. c. 6.

Seu ludet numerosq; manu jactabit eburnos.

Ovid. 2. de Art. Amand.

That they uſed more *Tali* in their playes, then they did *Teſſera*, [b] *Turnebus* obſerveth from that verſe,

[b] Turn. adu. lib. 6 c. 10.

Non ſum talorum numero par teſſera,

Martial. 14. epigr. 15.

[c] Cœl. Rhod. l. 20. c. 27.

[c] *Cœlius Rhodiginus* ſpeaketh more diſtinctly, ſaying that in their play they uſed three *Teſſera*, but foure *Tali*. Theſe *Tali* were ſometimes called *Vulturii*, as appeareth by the ſame [d] *Rhodiginus*, and likewiſe *Reguli*: The reaſon of both is rendred by [e] *Turnebus*, he being of opinion, that theſe *Tali* had not points in them as the *Teſſera*, ſaith, *pro numeris effigies animalium habebant ut vulturum, aut regulorum*: that they were termed *Vulturii*, is probable by that of *Plautus*,

[d] Cœl. Rhod. l. 20. c. 18.

[e] Turn. adu. l. 5. c. 6.

Tace parumper, iacit vulturios quatuor.

Plaut. curcul. Act. 2. Sc. 3.

But that the cocklebones ſhould be called *Reguli*, I ſomewhat doubt, for no queſtion but *Regulus* and *Baſilicus* in this place ſignified one and the ſame thing, the one being the *Latine*, the other the *Greek* word; now *Baſilicus* as ſhall preſently appeare, ſignified the whole chance. So confuſed are the opinions of Authors herein, that to aſſigne the reaſon for every chaunces name, or to reduce every chaunce determinately, either to the *Teſſera*, or the *Tali*, I think it impoſſible. Only ſome may be thus reduced, and in generall wee may conceive probably which chaunces were fortunate, which unfortunate. The unfortunate chance in the *Tali*, was commonly called *Canis*, or *Canicula*, or *Chius*.

The moſt fortunate chaunce *Venus* or *Baſilicus*. [f] *Lipſius* taketh them both for one, and that not without ground, if we compare *Horace*, and *Plautus*; both of them treating of that old cuſtome of throwing theſe cocklebones at their feaſts, for the choice of their *Modiperator*, or maſter of the feaſt, which ſhould preſcribe lawes for drinking to the whole company. *Venus arbitrium,*

[f] Lipſ. antiq. lect. lib. 3. c. 1.

Dicet bibendi. ſaith *Horace*.

Lalla

Iacto Basilicum, propino magnum poculum,

Saith *Plautus* ſurcul: and why may not this Caſt be juſtly termed *Basilicus*, ſeeing the *Modiperator* hereby deſigned, was by the *Gracians*, not only called συμποσιαρχος, but alſo βασιλευς King, Prince, or chiefe commander at the table. This Caſt was then thought to be thrown, when all foure cocklebones appeared not one like the other, but all with different faces, *Venus conſurgebat ex talis quatuor iactatis, ubi diverſam omnes oſtendiſſent faciem:* with whom accordeth [h] *Turnebus; Venus erat, cùm nullus eodem vultu ſtabat talus. Hercules* was alſo a lucky throw, but whether the ſame as *Venus*, I have not yet learned. [g] Cœl. Rhod. lib. 20. c. 27. [h] Turn. adv. lib. 5. c. 6.

The games with the *Teſſera* I make no queſtion were diverſe, the ignorance of which, they being long ſince out of uſe, hath cauſed much obſcurity in this matter: one game there may ſeem to have been in uſe, where the juſt number of eight ſeemeth to have been the chiefe Caſt, it was called [i] *Steſichorius iactus*, or *Steſichorius numerus*. The reaſon is rendred by *Rhodiginus*, becauſe *Steſichorius* his tombe, erected at great charges for greater magnificence, *Ex octonis cõſtabat omnibus, id eſt*, conſiſted of many eights; to wit, *eight angles*, or corners; *eight columnes*; *eight ſteps*, or greeſes. In their common game, the moſt fortunate throw is thought to have been three Sices, we call it in Paſſage, a Royall Paſſe, whence it was commonly called *Senio*; [i] Cœl. Rhod. lib. 20. c. 27.

--- *Quid dexter ſenio ferret*
Scire erat in votis, damnoſa canicula quantum
Raderet, Anguſta collo non fallier orca, Perſ. Sat. 3.

Which one place of *Perſius* giveth light to this in three things. Firſt, that the winning caſt, was termed *Senio*, and if you make *Baſilicus*, a terme common both to dice, & cocklebones, as *Venus* is, we may fitly render it, a Royall paſſe, Secondly, the looſing caſt *Canis* or *Canicula*, in Engliſh a Dogge Chaunce. Thirdly the manner of their play, both in their Dice, & Cocklebones, was by caſting them not immediatly

diatly out of their hand, but out of a diſh or narrow mouthed veſſell, that there might be faire play, without ſtriking or cogging the dye; this veſſell *Perſius* calleth *Orca*, and deſcribeth it to have a narrow mouth, ſtreight neck. *Horace* applyeth it to the *Tali*, *Satyr.* 7. *l.* 2.

Mitteret in Pyrgum talos. ---

Calling it *Pyrgus*, uſing the greek word Πύργος a tower, or ſteeple, ſo called from πῦρ fire; becauſe the forme thereof, being *acuminata*, reſembleth the riſing of fire: the word intimateth *Horace* his *Pyrgus*, to have been of the like forme with *Perſius* his *Orca*. But to return to the game, the chiefe caſt as I ſaid was thought to be when three Sices appeared, which opinion is ſtrengthned by that common proverbe: *Aut tres ſex, aut tres teſſera, id eſt*, either three Sices, or three Aces. And the firſt of theſe being the beſt, the other the worſt chance in the Dice: the proverb implyeth thus much, I will put all to the hazard, I will winne all or looſe all. This caſt was alſo called *Midas*, for as *Rhodiginus* ſpeaketh, *In Teſſerario ludo, Midas iactus erat fortunatiſſimus*, with whō accordeth [k] *Demſter*, proving it out of *Suidas*.

[k] Dempſt. antiq. Rom. l. 5. cap. 1.

Μίδας ὁ ἐν ἀστραγάλοις εὐβολώτατος
Midas in teſſeris conſultor optimus.

This name ſignifieth the beſt chaunce, was not appropriated to the *Teſſera*, but ſometimes alſo ſignified the fortunateſt chaunce of the *Tali*. Likewiſe from that of *Martial. l.* 13. 1.

Senio nec noſtrum cum cane quaſſat ebur.

It is noted by [l] *Eraſmus*, that as often as an Ace hapned to be thrown together with a Sice; ſo that *Senio*, and *Canicula* appeared together at one throw, it was a looſing caſt. [m] *Suetonius* is cleare in the proofe hereof, if for *Aut* we ſubſtitute *Et*, which unles we doe, it will be a matter of great difficulty, to make congruity of ſenſe. His words are, *Tali quum jactatis, ut quiſq; Canem aut Senionem miſerat in ſingulos talos, ſingulos denarios in medium conferebat, quos tollebat univerſos qui Venerem jecerat.* Turne *aut* into *&*, the ſenſe is obvious.

[l] Eraſm. ad ag. Chius ad Coam.

Look

Look who threw an Ace and Sice together, for every dye he staked and laid to the stake a Dinere; which he took up and swooped all cleane, whose luck it was to throw *Venus*. *Euripides*, as I take it, was not a chance but a kind of game, much resembling that which is in vse with us, called one and thirty: The number of that game was Fourty, and the game called *Euripedes*, because *Euripides* was one of the Fourty chiefe governours in *Athens*, when the thirty Tyrants were deposed. The reason of my conjecture is taken from [n] *Rhodiginus* whose words are these: *Euripides numerum continebat quadragenarium, quoniam videtur unus fuisse Euripides præfectorũ quadraginta, post triginta Tyrannos Athenis exactos.* From all we may note, that the *Jactus pronus*, or *Jactus plenus*, that is the lucky cast, we may english it Take all, was commonly called *Senio*, *Venus*, *Cous*: the *iactus supinus*, or *iactus inanis*, was likewise commonly known by no other name then *Canis*, *Canicula*, or *Chius*, we may English it Blanke.

n Cœl. Rod. lib 20. c. 17.

[o] Some have delivered their mind touching these plaies thus that the *Tali*, or Cockle-bones had but foure faces or sides, and therefore yeelded foure chaunces, and no more; the first is called *Canis*, or *Canicula*, or answering to our Ace: and it was the worst of all: the opposite unto it they terme *Venus*, or *Cous*, and is accounted the best: *Merula* against sense understandeth the number of seven by it, it may stand for our Sice. The third bore the name of *Chius*, proportioned to Trey with us, and the *Senio*, which is as much as Quatre. For in these *Tali* there is no chaunce of Deaut, or Cinque. This opinion at first I confesse seemed plausible to me, but how fully it discovereth the game, and how agreeable it is to antiquity let others judge. The chaunces of the dice, or cockle-bones as they were termed *Iactus & Missus*, casts: so also were they called [p] *Manus*, figuratively, as every stroke in the fencing schoole, was termed *Manus*. The first acception of *Manus*, is prooved out of [q] *Suetonius*,

o Barthol. Merula in Ov. de art. amand. l. 2.

p Lipſ. Satur. lib. 2. cap. 20.

q Suet. Aug. 71.

where *Augustus Cæsar* speaketh thus, *Si quas manus remisi cuiq; exegissem, aut retinuissem quod cuiq; donavi, vicissem, &c. id est*, If I had exacted those chances which I remitted every one, and kept that which I bestowed, I had gotten, &c. The second acception of *Manus* is confirmed by [r] *Quintilian*, who calleth the second, third, and fourth strokes in fencing, *secundas, tertias, & quartas manus*. Our English phrase is not much unlike; he hath had a good or bad, lucky or unlucky hand. Another game there was of like nature played with table-men: the word *Latrunculus* translated a table-man, doth properly signify an hired souldier, such a one as served for pay; whence *Latro*, whose diminutive *Latrunculus* is, hath his denomination ἀπὸ τῦ λατρεύειν, *à serviendo*. In this sense the word is used by [s] *Plautus*.

[r] Quint. lib. 5. cap. 14.

[s] Plaut. mil. glor. Act. 1. sc. 1.

Nam rex Selencus me opere oravit maximo,
Vt sibi latrones cogerem, & conscriberem.

Secondly, because souldiers are so prone, and apt to commit robberies, hence *Latro*, and *Latrunculus*, hath been used also to signify a theefe or robber. And thirdly in a borrowed sense, these words are applied to signify table-men or chessemen; because this game hath the expresse forme and representation of a warre, or battle, fought between two armies: Insomuch that [t] *Pyrrhus* King of Epire, being skilfull in plotting stratagems, first taught his souldiers that art of projecting, by plaies and representations thereof in the table-men. [u] Some are of opinion, that it was first invented in the siege of Troy, by *Palamedes*, who that he might keep his souldiers in better order, allowed them this kind of recreation, whence these chesse-mē, are sometimes called *Palamedia* ie *alculi*: they were made sometimes of wax, sometimes of glasse, sometimes of other matter. The game seemeth to have been the very same with that which we call chesse. Other games there were of lesser note for recreatiō, of which sort were principally these that follow; *Petaurum, Discus, Pila, Trochus, Nuces*. Πέταυρον, from whence this latin word

[t] Donat. in Terent. Eun. Act 4. Sc. 7. ad illud, Idem, hoc iam Pyrrhus facitavit

[u] Suidas in voce πάλα.

Petaurum

Petaurum commeth, signifying properly a perch or pole, on which poultry rouſt, and hence the rope or ſtaffe on which light perſons were wont to dance, and try maſteries, was termed *Petaurum*. It ſignified alſo a certain hoope, or wheele, through which active perſons would runne ſwiftly, their body ſo warily carried, that in their rūning they would not touch the hoop or wheele: to this purpoſe *Alex. Neop.* ſpeaketh.[a] *Fuit quoq; petauri ludus admirationis præcipuæ, cū per circulos, quibus ſpiā veloci curſu transvolat, corpore ita librato, ut circulum non offendat.* Such tumblers as were practized in this kind of activity were thence called *Petauriſtæ*. *Diſcus* was a round ſtone in māner of a bowle, ſometimes made of yron, or braſſe, whoſoever could caſt it farthеſt got the victory: the players thereat were called δισκοβόλοι, from δίσκος and βάλλω to dart, or caſt out any thing. *Pila* it ſignifieth a ball, & of it there were many ſorts. 1. *Harpaſtum*, which we may Engliſh a **Foot-ball**. [b] This ball being put down in the middle, two companies of young men ſtrove who ſhould drive it through the others goale. 2ly *Pila* which ſignified a diſtinct kind of ball ſo called from the haire with which it was ſtuffed. 3ly *Follis*, a light kind of ball, ſo called becauſe it was ſtuffed with a bladder: with this old men, and young children played. 4ly *Paganica*, this had its name *à pagis*, from villages and country-townes, where it was chiefly in uſe, it was ſtuffed with feathers; of all theſe. *Martial.* 14.45.

Hæc quæ difficilis turget paganica plumâ,
Folle minùs laxa eſt, & minùs arcta pilâ.

Fiftly *Triginalis*, and this I think both the *Pila*, and the *Follis* were called, in oppoſition to the *Paganica*: the reaſon of the name is taken from the forme of the tenis-courts, which becauſe they were three-ſquare, in manner of a triangle [c] hence was the ball with which they plaied in ſuch courts termed *Trigonalis*. The players themſelves were termed *factores*; thoſe that did caſt the ball into the court, were called ſimply *datores*; and [d] hence *datatum ludere*, is to play at ball.

a Alex. ab Alex. l. 3. c. 21.

b Alex. ab Alex. ibid.

c Cœl. Rhod. lib. 2. c. 18.

d Turneb. ad verſ. l. 7. c. 4.

ball, or elſe we may imagine the reaſon of this phraſe to be, becauſe ſuch as in their play by negligence did let down the ball, did *ſuram dare*: hold out their legge, to have the ball flung at it. *Trochus*, it ſignifieth a top, as it were commonly called *Trochus*, from τρέχω to runne; becauſe of the ſwiftnes thereof: & likewiſe *Turbo* in Latine, for the ſame reaſon: ſo ſometimes it was called *buxum*, from the matter whereof it was made, as

---- Buxum torquere flagello. Perſ. ſat. 3.

Nuces, with nuts they had many plaies, ſome of which are at this day in uſe. One holding an uncertain number of nuts in his hand, his fellow that plaid with him, was to divine whether the number was even or odde. This *Horace* calleth

Ludere par impar ---

The *Grecians* ζυγὰ ἢ ἄζυγα. Of this *Ovid. de nuce.*

Eſt etiam, par ſit numerus qui dicat, an impar:
Ut divinatas auferat augur opes.

Sometimes they piled their nuts, three beneath and one on the top, in manner of a Caſtle, of this *Ovid* ſpeaketh likewiſe,

Quatuor in nucibus non amplius alea tota eſt,
Cùm ſibi ſuppoſitis additur una tribus.

Yea, theſe nut-games were ſo many, and ſo peculiar to children, that ſtriplings growing into mans eſtate, were ſtill reputed children, untill they forſooke theſe nut-ſports; whence *nucibus relictis*, ſounds as much, as childiſhnes being paſt, and this is thought to be the reaſon, why the [e] bridegroom, as ſoone as he was married uſed to caſt nuts among the people: intimating thereby a farewell to ſuch childiſh paſtimes. Many other childiſh games they had, among which one reſembled our croſſe and pile: [f] they termed it *Capita vel navim*; becauſe the coine which they fillipped or toſſed into the aire, bore ſtamped on the one ſide *Ianus* his two faces, or the other ſide a ſhip.

[e] Rhoſin. ant. Rom. l. 5. c. 27

[f] Anton. Coſtant in Ovid. Faſt. lib. 1.

CAP.

Cap. 14.

De mensis & conviviis Romanorum.

BEfore wee proceed unto the deſcription of the *Roman* tables, wee will explaine thoſe five tearmes, *Ientaculum, Prandium, Merenda, Cœna, & Commeſſatio.* Which five words doe ſignifie the five ſeverall feedings each day, which children, old men, labourers, travellours, & ſuch like, did uſually obſerve, for others of healthier and ſtronger conſtitution, did commonly eat but one meale, at the moſt but two in the day. *Ientaculum* ſignifieth their breakfaſt, and it had its name, like as our Engliſh word hath, *à jejunio*, from faſting: in former times it was called [a] *ſilatum* from *Sile*, the name of a certain hearb, with the root whereof, they were wont to ſeaſon that wine, which they had at breakfaſt: For as [b] *Plutarch* ſaith, their break-faſt was nothing but a ſop dipped in wine. In the ſame place, he likewiſe ſaith, that in old time they had no dinner, but that which we call *Prandiũ* was the ſame with them as *Ientaculum*, and thus much the Greek word ἄριστον ſignifying a dinner, doth intimate it being ſo called, *quaſi* ἄρ' ἐστον from ἄρτιον, which ſignifieth the morning. The name *Prandium*; which we render a dinner, was ſo ſaid *quaſi* πρὸ ἑσπέρου, ſignifying noone-tide, or mid-day. The third time of taking meat, was called *Merenda*: we may engliſh it our afternoones beaver: it was called alſo *Antecœnium*, becauſe it was taken a little before ſupper. [c] *Merenda eſt cibus qui declinante die ſumitur, quaſi poſt meridiem edendus, & proximè cœnæ; unde & Antecœnius à quibuſdam dicitur.* The fourth time was their ſupper, called *cœna, quaſi* κοινὴ, which ſignifieth as much as Common, [d] *quia antiquitus ſeorſim ſolebant prandere Romani, cœnare cum amicis*: Their fift and laſt time of feeding, was called in Latin *Commeſſatio* by ſome, by moſt *comeſſatio à comedendo.* [e] *Ioannes*

[a] Roſin. antiq. lib. 5. c. 27.

[b] Plut. in ſym. lib. 8. q. 6.

[c] Inſt. Lipſ. cent. 1. ep. 65.

[d] Plut. ſym. lib. 8. q. 6.

[e] In. orat. pro M Cœlio.

nes Triſtinus ſaith, that it is a beaver taken after ſupper, or a night-drinking. But the chiefe feaſt, whereat they gave entertainment, being their ſupper, we wil conſider theſe three things therein. First *accumbendi vel diſcumbendi rationem*, that is the manner of their lying at ſupper (for they did neither ſtand, nor ſit at table as we doe:) ſecondly, the forme & faſhion of their table; and laſtly the parts of their ſupper. The place where they ſupped was commonly called *Cœnaculum à cœna*, as our dining chamber is ſo called from our dinner. It was alſo called *Triclinium* or *Biclinium*, from κλίνη a bed: for ſometimes there were three beds, ſometimes but two about the table, upon which the gueſts did ſit, or rather ly along. In this dining parlour, was placed a table, ſometimes made quite round, and for the common ſort of people it was made of ordinary wood, ſtanding upon three feet; but for men of better rank, it was made of better timber, in-laid ſometimes with wood of divers colours, ſometimes with ſilver, and it ſtood upon one whole entire foot, made of Ivory, in the forme of a great Lyon, or Leopard, &c. Vnto the meaner ſort of theſe tables *Horace* alludeth,

Modò ſit mihi menſa tripes, Hor. Serm 13.

Vnto the other *Iuvenal Sat. 11. verſ. 122.*

putere videntur
Vnguenta, & caſiæ, lataſ niſi ſuſtinet orbes
Grande ebur, & magno ſublimis pardus hiatu.

Sometimes this table was made in the forme of an halfe moone, the one part thereof being cut in with an arch or ſemicircle, and then it was called *Sigma*, becauſe it did much reſemble the letter *Sigma*, Ϲ which as it appeareth by certain marble monuments, was in old time made like a Roman C. Hence is that of *Martial, lib. 14. 87.*

Accipe lunatâ ſcriptum teſtudine Sigma.

If any man ſhould demand the reaſon why they cut their table in that forme, I muſt confeſſe I have not read any reaſon in any author bearing ſhew of probability: My conjecture

f Lazius de Repub. Rom. l. 3. cap. 3.

g Roſin. ant. c. l. 3. c. 28.

iecture is this. It is agreed upon by most Authors, that in the round tables the one quarter was ever void from guests that the waiters might have a convenient roome to attend: thereupon it seemeth not improbable unto mee, that this crooked arch was made for the waiters. I acknowledge that this *Sigma* hath been translated diversly by divers writers, as it appeareth by *Lipsius* in the fore-quoted place. By some it hath been taken for the parlour, or supping chamber: so *Lipsius* in his *Antiquities*; by others for the supper or feast it selfe: so *Cœlius*: By *Lipsius* since it hath been thought a certain place, erected in the manner of a hemicycle, or halfe moone, against which they did place one continued bed, able to take six or seaven guests. But *Brodæus* and *Ditmarus*, in my opinion, have more truly taken it for the table it selfe. About the table that was perfectly round, were placed three beds covered with tapistry, or some other kinde of covering, according to the wealth and ability of the person, and thus,

——— *Strato discumbitur ostro*;

The beds being ready furnished, the guests lay downe in manner as followeth. Each bed contained three persons, sometimes foure, seldome or never more, except at their great and more solemne feasts. If one only lay upon the bed, then he rested the upper part of his body upō his left elbow, the lower part lying at length upon the bed: but if many lay upon one bed, then the uppermost did lye at the beds head, laying his feet behinde the second his back, the second rested his head in the others bosome, having a cushion put between, laying his feet behinde the thirds backe; in like manner the third & fourth did lye. The number of the guests was not great, seldome times exceeding nine; whence *A. Gellius* [h] saith, that the number of guests should begin with the *Graces*, & end with the *Muses*, that is, they must not be fewer then three, nor more then nine. This also hath bin the reason of that adage, *Septē convivium, novem convitium faciunt*.

[h] A. Gel. noct Att. l. 13. c. 11 *Tribus aut novem miscentur cyathis pocula commodis. Quimusa amat impares, Ternos ter cyathos attonitus petet. Vates tres prohibet supra Rixarum metuens tangere Gratis nudis juncta sororibus.* Hor. carm. l. 3. Od. 19. [i] Alex Gen. l. 5. c. 22.

Heliogabalus seemeth to have beene delighted with the number of eight,[k] whence he invited to supper *octo calvos, octo, luscos, octo podagrosos, octo surdos, octo rancos, octo insigniter nigros, octo insigniter longos, octo prepingues, & octo nasutos, delectatus illo Graco proverbio, ἀπὸ τοῦ ὀκτὼ.* Those that were not invited, but came of their own accord unto a feast without bidding, by *Plautus* they are called *Musca*, Flyes; by others they are called *Umbræ*, shadowes. Hence is that of *Horace*.

[k] Stuckius de conv. l. 1. c. 2.

——— *Locus est pluribus umbris.*

The party which invited the guests, sometimes expressed his earnestnesse, by pulling and haling one by the cloak: whence *Stuckius* observeth, that when they would shew how earnestly they were invited, they would say, *Pennulam mihi scidit*; he tore my cloak off my shoulder. Again on the other side, when they would shew, how easily the guest was intreated they would say *Illius ego vix tetigi pennulam, tamen remansit.* Before the guests sate down, their shooes were usually pluckt off, that they might not foule the beds on which they did lye[l].

[l] Terent. in Heautont.

Accurrunt servi soleas detrahunt,
Video alios festinare, lectos sternere, cœnam parare.

[m] They likewise did gird their heads with fillets and haire-laces, as often as they intended to drink more then ordinary, thereby to prevent the vapours, which otherwise would annoy the head: for which reason, they did likewise [n] use garlands of Ivy, and nettle trees, and roses; the coolenesse of which comforted the braine. These garlands were also *Symbolum plena libertatis*, a token of their full liberty. The carver in these feasts, was called from his artificiall setting and ordering the dishes upon the table *structor*; & from his artificiall carving and cutting up of the dishes, *Carptor*, *Tryphorus*, as appeareth by *Iuvenal Satyr.* 11. was famous for his skill in carving he did set up a schoole, teaching such as came unto him by rules and precepts; and also shewing them the

[m] Cœl Rhod. 27. c. 26.

[n] Plin. 16. c. 1.

manner

manner of carving: which that he might the better do, he furnished a table with severall dishes of meat, formed and fashioned in wood, with a dull knife, shewing his schollers after what manner, and with what gesture of their body, they should cut up this or that dish. This supper, because of the wooden dishes of meat, was called *Cœna ulmea*. They divided their supper usually into three parts, which they termed their first, second, & third course. In the first course commonly was served mulberies, lettices, sausages, & alwaies Eggs: as likewise in the last course (whether the second or third) were served, nuts, figs, grapes, but alwaies Apples: whence we say proverbially, *Ab ovo ad mala*, from the beginning of the feast to the end; or simply, from the beginning of any thing to the end thereof. The middle course, was the maine supper, and the chiefe dish thereof was called *Caput cœnæ*: In Lipsius his phrase, it is called *Fundus & fundamentum cœnæ*. Their first messe they called the *proœmium*; the last the *epilogue*, which because it consisted so much of sweet and delitious meats, hence did they apply that unto the second course, αἱ δευτέραι φροντίδες σοφώτεραι, *id est, Secunda cogitationes sunt sapientiores*. If the table were well furnished with plēty and variety of dishes, it was called *Cœna recta*, or *cœna dubia*: *Recta*, in this place signifieth as much as *vera*: thus ὀρθὸς among the *Gracians*, sometimes signifieth *verus & sincerus*. The phrase intimateth, that it was a true supper opposed to that dole of meat destributed by Princes to the people which from the panier or basket, in which it was brought, was called *sportula*: sometimes they destributed money instead of meat: this also was named *sportula*: so that *sportula* denoted any kinde of dole either of meat or money, which as often as it was given in lieu of a supper, it was opposed to *cœna recta*. Yea sometimes by *sportula* wee may understand a light and short supper.

Promissa est nobis sportula, recta data, Martial.

The reason why a great feast should be termed *cœna dubia*,

o Stuk. de conv l. 3. c. 3.

p Panciroll. lib. rer. deperd. cap. de cibi capiendi modo.

q Stuk. l. 3. de conviv.

Turneb. adv. lib. 5. cap. 20.

is, because in such variety of dishes, the guest is many times doubtfull of which to beginne. Contrary to this is *cœna ambulatoria*, a supper where one dish walketh through the table.

LIB.

LIB. 3. SECT. 1.

Of the Roman Assemblies.

De Comitiis.

HItherunto have wee insisted upon the description of the most remarkable parts of the *Roman* city, together with the severall divisions of the *Roman* people, as also the *Roman* religion; where we have seen the generall divisions of their Gods & their sacrifices, with their ceremonies thereunto belonging, and likewise of the Roman games both greater and lesse. Now are we to proceed to that part of government, which is politicall or civill: where wee will first speak of their assemblies called *Comitia*, then of their civill Magistrates, afterwards of their punishments, and lastly of so many of their civill laws, as I have observed needfull for the understanding of *Tully*, and that principally in his Orations. For the more easie conceiving of all which I have prefixed one Chapter of the Roman yeare, treating there of the *Calends*, *Ides*, and *Nones*, the knowledge of which is needfull for that which followeth.

CAP.

Cap. 1.

De Anno & partibus eius.

INasmuch as there cannot be a full knowledge of the Roman assemblies, without some generall understanding of the Roman yeare, and the generall distinctions of the Roman daies, it cannot bee but worth our labour in this short chapter, briefly to consider what may bee spoken therein. This word *Annus*, is so called *quasi Annulus*, because (as the Greek word Ἐνιαυτὸς signifieth) ἐν ἑαυτῷ ἕλιξ, *id est, in se convertitur annus*: which was the reason, why the *Ægyptians* in their mysticall Cyphers (called *litera hieroglyphica*) did use the picture of a serpent, having his taile in his mouth, to signify an yeare. The time or space of this yeare hath beene diverse, according to the diversity of nations. [a] Some allowed no more daies to an yeare, then we do to a month, whence that monthly space which the *Latines* called *Mensis* from [b] μὴν, signifying the Moone, they called *Annum Lunarum*. Some allowed foure months, some six months, some tenne. And thus *Romulus* measured his yeare, counting the months either from the number of our fingers, or from the time that a woman goeth with child, or from the time that a widdow commonly mourned for her husbands death, or lastly from the multiplication of unities which in a simple number doth not exceed ten.

a Vid. Plin. l. 7. cap. 48.

b Paulus Mar. in Ovid. Fast. lib. 1.

Quod satis est utero matris dum prodeat infans,
Hoc animo statuit temporis esse satis.
Per totidem menses à funere conjugis uxor
Sustinet in viduâ tristia signa domo. *Ovid. Fast. lib. 1.*
Annus erat, decimum cum Luna reperat orbem,
Hic numerus magno tunc in honore fuit:
Seu quia tot digiti per quos numerare solemus,
Seu quia bis quino fœmina mense parit,

Seu

Seu quòd ad nostros decem numero crescente venimus,
Principium spatio sumitur inde novis. Ovid. Fast. lib. 3.

Thus *Romulus* his year contained of months ten; of daies 304. But after this *Numa* added two months,

At Numa nec Ianum, nec avitas præterit umbras,
Mensibus antiquis addidit ille duos. Ovid. lib. 1. Fast.

Numa,[c] or as some say, *Tarquinius Priscus* perceiving that the months did not alwaies fall out alike every yeare; but sometimes the same month would happen in the summer, sometimes in the winter, thereupon after long study and many instructions from the *Grecians*, finding the reason of this confusednesse, he added unto *Romulus* his yeare fifty dayes, so that the whole year afterward was divided into twelve months; because the moone had finished her course twelve times in that space; beginning their year then at Ianuary: because then in his judgement was the fittest time to begin the yeare, when the sun being farthest from us, did beginne to turne his course, and to come unto us againe; which is about Ianuary, the sunne being about the Tropick of Capricorne. Afterward upon a superstitious conceit of the odde number, *Numa* added one day more unto Ianuary, so that whereas at the first *Numa* his year did agree with the *Grecian* yeare, both of them containing three hundred fifty four daies, now the *Roman* year contained three hundred fifty five daies, which computation falling out too short for the true yeare by the space of ten daies, and six houres yearly, it occasioned every eight yeare in the interposition of 3. whole months, which they called their leap-yeare: [d] This confusednesse afterward *Iulius Cæsar* by long study remedied, adding the odde ten daies unto *Numa Pompilius* his yeare. And lest the odde six houres might at last breed disorder in their computation, he appointed that every fourth year one whole day should be inserted, next after the three and twentieth of february; which inserting they called *Intercalatio* frō an old verb *Intercalo*, & that day they called *Intercalarem*:

[c] Vid. Georg. Merulam in orat. pro Q. Ligario.

[d] G. Merula in orat. pro Q. Ligario.

Now the day following, being the foure and twentieth of
e G. Merula in orat. pro Q. Ligat. February, was alwaies the sixt of the Kalends of March, e & therefore because of the interposition of that day, they called the leap-yeare *Annum bissextilem*, that is, the year wherin there falled out two daies, which they called *Sext. Calend. Martii*. And the day thus interposed, was called *dies bissextus*. This computation, which *Iulius Cæsar* found out, we have embraced, & doe at this day follow, calling our yeare
f Rosin. ant. Rom. lib. 4. *Annum Iulianum*, f and *Annum magnum*, having relation to the monthly year called *Annus Lunaris*; and sometimes this great year is called, *Annus vertens*, *à vertendo*, because it is
† Hubert. l. 3. epist. fam. 18. alwaies turning, and running on. † Moreover we must remember, that the Romans did begin their year at March; whence that month, which since hath been called *Iulius*, in the honour of *Iulius Cæsar*, was by them called *Quintilis*, because it was the 5. month; and that month, which since hath been called *Augustus*, in the remembrance of *Augustus Cæsar*, was by them called *Sextilis*, because it was their sixt month. Thus then the great year being divided into twelve months, every month was divided into three parts, *id est*, *Calendas*, *Nonas*, and *Idus*. The *Kalends* were so proper unto
g Suet. Octav. Aug. c. 87. the *Romans*, that g *Augustus Cæsar*, when he purposed never to doe what he was requested, was wont by way of proverb to say, that he would doe it *Ad Calendas Græcas*, that is to say in our English proverb, **At latter Lammas, never.** For the better understanding of which, I shall insert three common verses.

Principium mensis nostri dixêre Calendas:
Sex Maius Nonas, October, Iulius & Mars,
Quatuor at reliqui: tenet Idus quilibet octo.

That is, the first day of every month is called the Kalends of that month. The 2. 3. 4. 5. 6. and 7. of these foure months, May, October, July, and March, were called the Nones of that month: but in all the other months the Nones contained but the 2. 3. 4. & 5. day: so that the fifth day (for example

sake

ſake) of Ianuary was called *Nouæ Ianuarie*, or *Ianuarii*, the fourth *Pridie Nonarum*, or *Nonas Ian.* (For they uſed alwaies to ſay *Pridie Cal. Pridie Nonar.* and *Pridie Iduum*: inſteed of *ſecundo Cal. Non. Id.* The third day of Ianuarie, they called *tertium Nonarum, vel Nonas Ianuar*; the ſecond day of Ianuary they called *quartum Nonarum, vel Nonas Ianuar*. After the nones followed the Ides, which contained eight daies in every month, ſo that the 15. day of the foure aforeſaid months, were called *Idus Maii, Idus Octob. Idus Iulii*, and *Idus Martii*. In all the other months, the 13th day was the Ides: as to proceed in Ianuary, the thirteenth day was called *Idus Ianuar*, the twelfth *Pridie Iduum, vel Idus Ianuar*. The eleventh *tertio Iduum*, or *Idus Ian.* the tenth *quarto Iduum, vel Idus Ian*, the ninth 5° *Id. Ian.* the eight 6° *Id. Ian.* the ſeaventh 7° *Id. Ian.* the ſixt 8° *Id. Ian.* After the Ides then followed the Kalends of the next month. As the fourteenth of Ianuary was *decimo nono Calendarum*, or *Calendas Februar*, the fifteenth *decimo octauo Calend. Febr.* the ſixteenth *decimo ſeptimo Cal. Feb. &c.* Where we muſt note that as often as we uſe *Pridie, tertio, quarto*, or any of thoſe numerals with an accuſative caſe, as *Pridie Calendas, &c.* the *Grammarians* ſay that this præpoſition *Ante* is eclipſed. Againe every month had in its compaſſe three great markets, which became they were obſerved every ninth day: were called *Nundinæ*, and the latter of them being the greateſt is called by *Athenæus* τριημερον νουμηνιαν, which we may render *Trinum dinum*, or *Trinum nundinum*. It followeth now that I ſhould treat of the daies, which are the leſſer parts of the yeare: where before we proceed, we will conſider the parts, which the *Romans* divided their day into.

Dies Civilis continet

- *Lucem, cujus partes sunt*
  - *Diluculum.* The break of day.
  - *Mane.* The full morning.
  - *Antemeridiem.* The fore-noone.
  - *Meridies quasi Medidies.* Mid-day, or *quasi Merus dies.* Perfect day, noone.
  - *De meridie.* After noone.
  - *Solis occasus.* Sunne setting.
- *Noctem, cuius partes sunt*
  - *Crepusculum.* The duske of the evening.
  - *Prima fax.* Candle-tinding.
  - *Vesper.* The night.
  - *Conubium.* Bed-time.
  - *Nox intempesta.* The first sleepe.
  - *Ad medium noctem.* Towards mid-night.
  - *Media nox.* Mid-night.
  - *De media nocte.* A little after mid-night.
  - *Gallicinium.* Cock-crowing.
  - *Conticinium.* All the time from cock-crowing to the break of day.

The day and night againe were each of them divided into *primam, secundam, tertiam, & quartam vigiliã*, every watch containing three houres. The first of the night began at six of the clock in the evening, and the fourth ended at six of the clock in the morning. g These watches were distinguished by severall notes and sounds of Cornets, or Trumpets, that by the distinction and diversity thereof, it might easily be knowne what watch was sounded. Moreover we must understand that the *Romans*, upon a superstitious conceit & observation of misfortunes, and evill events falling out on some daies, and more happy successe upon others, have called the former sort of daies *Atros dies*, or *dies postriduanos, & Aegyptiacos: ἀποφράδας Graeci nuncupant, perinde ac si nefandos dicas.* The reason why they were called *Postriduani* was because they thought *Dies Postridie Calendas, Nonas, & Idus, id est*, The next day after the Calends, Nones, or Ides, of every month to be unfortunate; & the latter sort they called *Albos*

g Alex. Gen. lib. 1. cap. 12.

Albos dies,[b] borrowing the names from the *Scythians*, who used to chalk out the fortunate daies in their Kalenders with white Characters, whence *Horace* saith:

Cressa non careat pulchra dies nota.

Other-some, as their unfortunate and unlucky daies, were noted with a cole or black character, according to that,

Nigro carbone notatus.

Againe their Kalender distinguished some daies for Holy-daies, which they called *Dies festos*, festivall daies, or *dies Feriatos, & Ferias*, Holy-daies, [i] because they did upon such daies *Feriæ victimas, id est*, offer up sacrifices. Others were distinguished for working daies, which they called *Profestos quasi procul à festis*. The third distinction was of halfe holy-daies, which *ab intercidendo*, they called *Dies intercisos*, as it were daies cut asunder; the one part of them being allotted for worldly businesse, the other for holy and religious exercises. [k] The *feria* were either *private*, and so they belonged sometime to whole families, as *Familiæ Claudiæ, Æmiliæ, Juliæ, &c.* sometimes to private persons, as every one his birth-day, particular expiations, &c. or else they were *Publicæ* such as the whole common-wealth did observe: and they were of two sorts, the one called *Anniversariæ*, which were alwaies to be kept on a certain day, [l] and thereupon they were called *feriæ stativæ*; the other *conceptivæ*, which were arbitrary, and solemnized upon such daies as the Magistrates and Priests thought most expedient, whereof the *Latinæ Feriæ* were chiefe: which *Latinæ feriæ* were kept on mount *Albane* to *Iupiter Latiar*, for the preservation of all the Latine people in league and confederacy with the *Romans*, and were solemnized in memory of the truce between those two nations. Those *Feriæ* which were called *Imperativæ*, and [m] *Indictivæ*, because the *Consul*, *Prætor* or chiefe Pontifie, according to their pleasure *imperabant, & indicebant has, id est*, commanded them, may in my opinion be contained under that number of *Feriæ conceptivæ*, in respect of the uncertain-

b Vid. Erasm. Adag. unione signare.

i Ascensius in epist. 3. illust. vir. lib. 2.

k Rosin. ant. lib. 4. c. 3.

l Alex. Gen. dier. lib. 5. c. 7.

m Alex. Gen. dier. lib. 6. c. 7. n Serv. Æneid. lib. 11.

certainty of them. Another distinction of daies is found in the Roman *Kalender*, to have been in *Fastos*, whole court or leet daies; *Ex parte Fastos*, halfe court-daies; *Nefastos*, Non-leet-daies; though this word *Nefastos* be often expounded unlucky, as in that of [o] *Horace* touching the tree, *Ille & nefasto te posuit die*, that is, he planted thee in an unhappy time. These daies were called *à fando*, from speaking; because upon those daies which were *Fasti*, the *Prætor* or *L.* chiefe Iustice might lawfully keep court and administer justice, which was not done without the speaking of these three words, *Do, Dico*, and *Addico*; [p] *Dabat actionem; Dicebat ius; Addicebat tum res quàm homines*. Where by the way we must note, that sometimes these court-daies were also called *dies comitiales*, because that [q] upon every such day which was noted in the Kalender for a comitiall day, if the publique assemblies were not held, it was lawfull to keep court: whence not only *comitialis dies* doth signify a law-day, but *comitialis homo* also doth signify a wrangler in the law, or a litigious person.

o Carminum l. 2. Ode 13.

p Ioach. Camerat. pro Flacco.

q Bersman. in suis andot. in Rom. Calen. ad finem, Ov. Fast.

Cap. 2.

De comitiis idq; Calatis præcipuè, de Rogationibus, & antiquâ scribendi ratione.

EVery assembly of all the *Roman* people being called together by a lawfull Magistrate to determine any matter by way of giving voyces, is *à coeundo* termed *Comitia* simply, without the adjection of any other word; or *Comitia calata*, that is assemblies called together, from καλέω or the obsolete Latine verb *Calo*, which signifieth to call: though afterward those assemblies only, which were held either for the inaugurating of some Pontify, some *Augur*, some *Flamen*, or him that was called *Rex sacrorum*, or for the making of their wills & testaments, were called *Calata comitia*.

Whence

Whence the will that was made in these assemblies was called *Testamentum calatis comitiis*. This kind of assembly is sometimes called *comitia* [a] *pontificia*, and *comitia sacerdotum*, in that sense as others are called *Consularia*, or *Ædilitia comitia*; namely because the Pontifies in these, as the *Consuls*, and *Ædiles plebis* in the others, were chosen. There followeth three other kinds of assemblies: for either the people did assemble themselves by parishes, called *Curia*; or by hundreds, called *Centuria*; or by wards, called *Tribus*. The first sort of assemblies they called *comitia Curiata*, the second *comitia Centuriata*, the last *comitia Tributa*. [b] Where by the way we must note, that that thing which was determined by the *maior* part in any parish, hundred or ward, was said to be determined by that whole parish, hundred, or ward: and that which was determined by the *maior* part of parishes, hundreds, or wards, was said to be approved *comitiis Curiatis, Centuriatis, vel Tributis*. Secondly we must note, that neither children untill they were seventeen years old, nor old men after the sixtieth year of their age, were allowed to suffrage in these assemblies, whence rose that adage, *Sexagenarii de ponte dejiciēdi*: [c] & old men were hence called *Depontani*, for the explication of which see before. Here before we speak of those three severall kinds of assemblies, wee will consider the manner of their proceedings in propounding cases unto the assemblies. [d] The custom was at first, that the *Romans* should bestow their suffrages *Viva voce*, but afterward that every one might with freer liberty give his voice, they commanded certain wooden tables, wherein the names of those that stood for offices were written, to be carried about, every suffrager receiving so many tables, as there were suitors: then did the people give back that table with whom they would suffrage. But if a law were to be enacted, then every suffrager received two tables, in the one of which were writtē these two great letters V.R. in the other was writtē a great *Roman* A. Those who delivered these tables unto the

a Ioan. Tistinus in orat. pro Cœlio.

b Sigon. de iure Rom. lib. 1. c. 17.

c *Pars putat ut ferrent iuvenes suffragia soli: Pontibus infirmos præcipitasse senes* Ov. Fast.

d Philip Beroaldu. in orat. Phil. 11.

the people; did ſtand at the lower end of thoſe bridges (which were erected up for the ſuffragers to aſcend unto the *ovilia*) whence they were called *à diribendo, id eſt*, frō diſtributing *Diribitores*. At the other end of the bridges were placed certain cheſts or litle coffers, into which the ſuffragers which did approve the law did caſt in the firſt table; thoſe that diſliked it, did caſt in the ſecond, for by thoſe two letters V.R. which were written in the firſt, is meant *Uti rogas*. i. Be it as thou haſt asked, this word *fiat* being underſtood. By A. in the ſecond table was meant *Antiquo, id eſt*, I forbid it, the word, ſignifying as much as *antiquam volo*, I like the old law, I love no innovations. The tables being thus caſt into the cheſts certain men, appointed for that purpoſe in manner of Scrutators (they called them *Cuſtodes*, & ſometimes [c] *Nongenti*) did take the tables out of the cheſts, and ſo number the voices by making ſo many points or pricks in a void table, as they found tables alike: which kind of accoūting occaſioned theſe and the like phraſes; *Suffragiorum puncta non tulit ſeptem*, and *Omne tulit punctum*; where *punctum* is uſed for *ſuffragium*; the voices being thus numbered, it was pronounced by the common crier what was decreed. Becauſe the uſe of thoſe tables is now growne quite out of uſe, I ſhall make bold to inſert that, which with much labour I have collected out of ſeverall authors touching theſe tables. It is certain that a long time the uſe of paper was not known, whence men were wont to write ſometimes upon the inward rindes of trees, called in Latine *Libri* (ſo that to this day we call our bookes *Libri*, becauſe in old time they were made of thoſe rindes of trees,) ſometimes they did write in great leaves made of that ruſh *Papyrus*, growing in Ægypt, from which we have derived our Engliſh word Paper & the Latin word *Papyrus*, now ſignifying our writing paper. Shortly after the inventiō of this Ægyptiā paper, *Ptolemy* the King of Ægypt reſtrained the common making thereof, becauſe of the great [d] emulation between him and *Eumenes* King of *Pergamus* concer-

[c] Plin. l. 33. c. 2

[d] Plin. lib. 13. cap. 11.

concerning their libraries; not long after therefore *Eumenes* having found out the making of parchment, hee made uſe thereof in writing, and called it from the place *Pergamena*. At this time did the Romans uſe to write in tables of wood, covered with wax, called in latin *cerata tabulæ*. They wrot their wils & teſtaments in tables, [b] *Hinc ſecundum & contra tabulas bonorum poſſeſſio*; The poſſeſſion of goods either according or againſt the teſtator his will. Becauſe of the wax wherewith theſe tables were covered, *cera* is often uſed in the ſame ſenſe, as *Hæredes primæ ceræ, id eſt, primæ tabulæ, & in primo gradu inſtituti*, by which words I think are underſtood ſuch heires as [c] *Alexander* calleth *Hæredes ex toto aſſe*, that is, heires to the main inheritance, oppoſing them to thoſe which did receive only legacies, who he calleth there *Hæredes in imâ cerâ, ſecundos hæredes, & legatarios*. [d] *Sylvius* not upon improbable grounds doth think, that *Tully* doth underſtand by *Hæredes ſecundi*, ſuch heires as were nominated to ſucceed the chiefe heire or heires if they died. They wrot their accounts in tables, hence *tabulæ accepti & expenſi*, ſignifying reckoning books. Theſe count books were of [e] two ſorts, ſome monthly without order or method called *Adverſaria; Quòd adverſa parte etiam ſcriptis implerentur*. Others perpetuall, being the tranſcript of the former, called *Tabulæ accepti & expenſi*. They wrote their ſtatutes alſo in Tables, whence *Tabulæ publicæ*, are engliſhed ſtatute books, or rather books of record. Thoſe writings or inſtruments which the Senate or Emperour cauſed to bee hanged up in the market place, to releaſe and diſcharge any banckrupt from paying his debts, they termed *tabulas novas*, wee may engliſh them letters of protection. They wrote their inventories of goods ſet at ſale in tables, calling them *tabulas auctionarias*: yea they indited their epiſtles and common letters in tables; inſomuch that *tabellæ* are expounded miſſive letters, and *tabellarius* which properly ſignifieth a carrier of tables, is now uſed to ſignify a letter carrier; yet they ſometimes

b P. Pellitar. in orat. pro A. Cæcinna.

c Alex. Genial. dier. l. 1. c. 1.

d Fr. Silvius pro Cluentio.

e Cæl. Rhod. lib. 12. c. 21.

f Fr. Sylv. in orat. Catilin.

g Suidas in voce μοχλικὸν.

[b] Suet. Nero. 20.
[i] Plin. l. 13. cap. 11.
[k] Fr. Sylv. in orat. Catil. 3.
[l] Iust. Lipſ. epiſt. inſt. c. 4.
[m] Cic. 4. in Verrem.
[n] P. Pellitar. in orat. pro A. Cœcinna.
[o] Vid. Eraſm. Adag.
[p] Horman. Hugo de prima ſcrib. orig. cap. 9.
[q] Cic. orat. cont. Catil.

times wrought alſo in plates of lead, *ut tabulæ plumbeæ* &c. [b] Suetonius meaneth by *charta plumbea*: concerning all theſe, *Pliny* writeth excellently. Before the uſe and making of paper was inuented, men wrote at firſt in palme tree leaues, afterwards in the rindes of certain trees, afterward publike monuments were recorded in volums or roles of lead, at laſt private matters on fine linne or wax. [k] The maner how they ſealed their letters was thus: they did binde another table unto that wherin the inditement was, with ſome ſtrong thred, ſealing the knor of that thred with wax, whence *Cicero* ſaith, *Linã inſcidimus*, that is, we opened the letters, hence alſo is that of *Plautus, Cedo tu ceram ac linum: age, obliga, obſigna cito.* [l] The impreſſion was commonly their own image, or the image of ſome of their anceſtors. The matter on which the impreſſion was made, was not alwaies wax, but ſometimes a kinde of tempered chaulk, which occaſioned that phraſe of *Tullies*, [m] *Signum ille animadvertit in cretula.* [n] Laſtly they wrote their books in tables, whence from them we doe at this day call our books *codices à candicibus*, *candex* ſignifying properly the trunck or ſtock of a tree, whereof theſe tables or books were made. We muſt note withall that they wrote not with inke or quill, but with an inſtrument of ſteel, or yron, having [o] a ſharp point at the one end, and being broad, yet keen and well edged at the other, with the ſharp point they did write what they pleaſed, with the broad end they did ſcrape out what they had written: Whence *Stylum invertere* is to ſay and unſay a thing, to turne his punch the wrong end downward, as it were to ſcrape out that which one had formerly written. The Romans did afterward uſe inſteed thereof, an inſtrument made of bone, prohibiting the uſe of yron ones, as [p] *Iſidore* noteth by that law, *Ceram ferone cædito.* And as we uſe this word *Manus* to ſignify the writing it ſelfe, according to that of [q] *Tully, cognovit manum, & ſignum ſuum:*

ſo

so in the like sense we use this word *Stylus*, to signify the peculiar tenure or straine of phrase, which any man observeth in the composing of an oration, epistle, or such like in which sense *Tully* useth it, as the antitheton to *gladius*, in that speech of his, *Cedat forum castris, otium militiæ, stylus gladio*, though in another place he useth it to signify, if not a sword, yet a pocket dagger, as *Etsi meus ille stylus fuisset*; [s] in which place *Stylus* doth signify as much as *pugio*. And here seeing we are fallen into the manner and custome of ancient writing, it will not bee amisse to note that usually at the end of their books they printed a little mark, which they termed *Coronis*. Those that interpret *Aristophanes* describe that marke thus, saying that it is [t] *Linea brevis ab inferiore parte flexa*. All agree in this, that it was some common and known dash, usually subjoyned to the end of books: [u] others are of opinion that the ancient Romans did in like manner adorne the frontispice, or beginning of their books, with the picture of an half Moon, which observation giveth light not onely to that adage, ἀπὸ τῆς ἀρχῆς μέχρι τῆς κορωνίδος, From the beginning to the ending. But also that of *Martial. lib.* 10.

Si nimius videor, seraq; coronide longus
Esse liber, legito pauca, libellus ero.

And of *Ovid.*

Candida nec nigrâ cornua fronte geras.

For in *Turnebus* his judgement those halfe moons prefixed, were called *Cornua*. How soever this may be true touching the dash, or character at the ende of a booke, and that it was termed *Coronis*: yet I doubt whether any such halfe moone was usually prefixed in the beginning of books, or whether such an halfe moone were denoted by the Latine word *Cornu*: more probable is his opinion, * who treating of this very matter, saith, that in old time a whole book was written in one continued page, neither did they then cut their books into many leaves, & binde them up in that manner as we doe; but that one entire page in which alone the whole book was

[s] Cic. orat. pro Muræn. Mic. Toxita. in orat. Phil. 2

[t] Cœl. Rhod. lib. 15. cap. 20.

[u] Turnebus adv. lib. 22. cap. 10.

* Pir. hierog. lib. 34.

written, was wont to be rolled up upon a ſtaffe, faſtned at the end thereof, in manner as many large maps are now adaies with us. Hence it is *à volvendo*, that we call our books, *volumina*, Volumes: this ſtaffe on which the book is roled was called *Umbilicus*; the ſame word ſignifieth a navill, which becauſe it is the middle part, & as it were the centre of a mans body, hence approved Authors uſe the word to ſignify the middle of any thing; and happily that name was firſt given this ſtaffe, becauſe when the booke was roled up, the ſtaffe was the middle thereof: howſoever becauſe it was faſtned alwaies at the end of the page, hence *Umbilicus*, eſpecially when it is applied to a book, ſignifieth the end thereof: as *Horace*, *Ad umbilicum ducere*: to bring to an end. The two pummels, or ends of this ſtaffe, which did jut out & appeare on each ſide of the volume, they called *Cornua*; & they were wont to be tipt with ſilver, or gold, or otherwiſe adorned. The title which was the beginning of every book, was tearmed *frons*: This ſeemeth more probable then that of *Turnebus*, and giveth greater light to that of *Ovid*.

Candidâ nec nigra cornua fronte geras.

Now that we may proceed to the matter whence we have digreſſed, it remaineth that we ſhould declare the manner how they enacted their laws. All the Romans, though free Citizens had not power & authority of preferring the law, but only eight of their Magiſtrates, which they called *Magiſtratus Majores*: namely the *Prætor*, the *Conſuls*, the *Dictator* the *Interrex*, the *Decẽviri*, the *military Tribunes*, the *Kings*, & thoſe *triumviri*: unto theſe eight was added one of thoſe whõ they entitled *Magiſtratus minores*, namely the *Tribunus plebis*. If any of theſe Magiſtrats thought it fit to prefer a law, then did he firſt write it down at home, and conſult with ſome lawyer, whether or no it might be for the good of the Commonwealth, whether it ſhould not weaken any former law, or whether it was not formerly included in ſome other law, &c. Theſe and many other cautions were to bee conſi-

dered

dered before it was preferred, yea ſome would have the approbation of the whole Senate after the advice of their lawyer, though diverſe times that hath been omitted. And the lawyer alone allowing it, the law was hanged out publikely in the market place for the ſpace of 3 market daies, which kind of publiſhing the law was termed, *Legis promulgatio, quaſi provulgatio*, during which time of promulgation, reaſons were alleaged *pro* and *con* by the ſpectators: and all the people had ſo much time to cõſult of the cõveniency thereof, and every one upon juſt reaſon had free liberty to admoniſh him that preferred the law, either to amend it, or to surceaſe the propoſall. After the third market day (for unleſſe it were upon an extraordinary occaſion, no aſſembly might be called upon a market day, becauſe of the country folkes buſineſſes, they alſo having freedome of ſuffraging) the Magiſtrate did convocate the people to that place where the law was to be propoſed: there the Town cleark, or Notary reading the law, the common crier proclaimed it; then did he which promulged it, make an Oration unto the people, perſwading them that it might paſſe. Sometimes others of his friends would ſecond him with Orations in his behalfe, as likewiſe others that diſliked it, would by Orations diſſwade the people, ſhewing the incõvenieney thereof. After the Orations had been ended, an urne or pitcher was brought unto certain Prieſts there preſent, into which were caſt the names of the Tribes, if the *Comitia* were *Tributa*; or of the Centuries, if they were *centuriata*; of the pariſhes, if *curiata*, thẽ *ſortibus æquatis*, that is, the lots being ſhakẽ together, they drew their lots; & that Tribe or Century whoſe name was firſt drawn, was called *Tribus, vel centuria prærogativa, à prærogando*, becauſe they were firſt asked their voices. *Turnebus*, interpreting that of *Tully*, *Majores voluerunt prærogativam omen eſſe juſtorum comitiorum*, interprets it; That the Romans did ſo depend upon the prerogative Century, that they would alwaies declare him Conſull that was cho-

sen by then. *Turneb. adv. l. 5. c. 23.* That *Curia* upon which
q Rosin. ant. lib. 6. cap. 7. the first lot fell, was called q *Principium*, because that *Curia* did first suffrage those Tribes upon whom the other lots fell; namely the second, third, fourth, &c. were termed *Tribus Iure vocata*. From this distinction it is, that such a man as hath the voices of the prerogative Tribe, or Century, is said to
r Cic. pro Muræn. have r *Omen prærogativum*: which good fortune whosoever could attain unto, was in great hope of obtaining the other voices of the *Iure vocata*, for they never, or very seldome would swerve from the determination of the prerogative Tribe, or Century. Whiles the people were busie in their
s Huber. in lib. 1. Cic. ep. fam. 2. lottery, in the mean time if any s Tribune of the Commons would *intercedere*, that is, forbid the proceeding, he might be heard, and the whole assembly thereupon should bee dismissed likewise they were dismissed if either he which first promulged the law did alter his opinion, or if the *Consull* commanded supplications to be offered up in the behalfe of their Emperour, or any of those holy-daies called *Ferie Latinæ, vel Imperatoriæ* to be observed upon that day; or if any of the people assembled were taken with the falling sickneſſe (by
t Fuchsii inst. medicin. l. 3. sect. 1. reaso whereof that disease is called by the t Physitions at this day *Morbus comitialis:*) Lastly, the assemblies were dissolved by reason of the southsayings, which kind of dissolution was caused either by the civill Magistrate his observing of signes and tokens in the heaven, and that was called *Spectio*, and sometimes *de cœlo observatio*; the very act of this observation, though no unlucky token did appeare, dissolved the assembly: or else it was caused by the *Augures*, and civill Magistrate promiscuously, whensoever any civill token was seen or heard, either by the Magistrate, or Augure (amongst which thunder was alwaies counted the unluckiest;) at which time the assemblies were in like manner to be dissolved: this manner of dissolution was termed *obnuncintio*, or
u Stadius in Flor. l. 3. c. 7. *Nunciatio*, u *Obnunciabat, qui contra auspicia aliqua fieri nunciabat.* Both these kindes are easily to bee collected out

of

of that speech in *Tully*, x *Nos Augures auspicium scimus habemus, Consules & reliqui magistratus etiam postestatem.* Here we may fitly in way of conclusion unto this tract, adde a just difference to be observed between these phrases, *Promulgare, Rogare: Ferre, & Figere legem. Promulgare legem*, was to hang up a law not yet asked, to the publike view of the people, to be examined by the touching the conveniency thereof: *Rogare legem* was to use a certain oration unto the people, to perswade the conveniency of the law; which Oratiō because it began with this form of words, *Velitis, jubeatisne Quirites?* that is, O yee Romans, is it your will and pleasure that this law shall passe or no? Hence was it termed *legis rogatio*: *Ferre legem*, was when the law had been approved of by the people, then to write it down upon record, and so to lay it up into the treasure-house; y *Cùm approbata fuisset lex, in ses incidebatur, & in ærario condebatur, & tunc demum lata dicebatur.* Lastly, *Figere legem*, was to publish the law after it had been approved and recorded z by hanging it up in tables of brasse in their market-places, or at their Church dores. Hence it is that we use a *Tabulam figere* in the same sense, namely to enact or establish a law, and *Refigere legem*, to disprove or cancell a law. b And that which was determined *Comitiis curiatis*, was termed *Lex curiata*; that which was *Comitiis centuriatis*, *lex centuriata*; that which was *Comitiis tributis*, was not called a law, but *Plebiscitum*.

x Cic. orat. Philip. 2.

y Fr. Maturā. tius in Phil. 1.

z Corn. Tac. annal. lib. 11.

a Fr. Matur. in Philip. 12.

b Sig. de Iure prov. lib. 3. c. 1.

Cap. 3.

De Comitiis Curiatis.

Comitia Curiata were those, wherein the Roman people being divided into thirty parishes did give their suffrages: They were so called from *Curia* signifying a parish. And untill *Servius Hostilius* his time, who did first institute the *comitia centuriata*, all things which were determined

mined by the ſuffrages of the people, were determined by theſe *curiata comitia*: But after the other two ſorts of aſſemblies had been eſtabliſhed, theſe *curiata* were uſed onely either for the enacting of ſome particular laws, or for the creating of ſome certain Prieſts, called *Flamines*. For the better underſtanding hereof we muſt remember that though at firſt theſe thirty pariſhes were parts of the three Tribes (each tribe being divided into ten pariſhes,) yet in proceſſe of time the increaſe of the Roman people was ſuch, that a great part of the Roman fields were filled with buildings and places of habitation, inſomuch that the tribes of the Romans were increaſed to thirty five: but the pariſhes (becauſe none that dwelt out of the city were tied to the rites and ceremonies of the Roman religion) did not increaſe, ſo that the pariſhes did not alwaies remain parts of the Tribes. Hence it followeth that all the Romans had not power to ſuffrage in theſe aſſemblies, but thoſe alone, who dwelt within the city: for no other could be of any pariſh. The place where theſe aſſemblies were held, was the great hall of Iuſtice, called from theſe aſſemblies, *Comitium*. Before theſe aſſemblies were held, it was required that ſome lawfull Magiſtrate for ſome competent time before hand ſhould ſolemnly proclaim the, and the thirty Serjants (each pariſh having for that purpoſe his Serjant) ſhould call the people together; as likewiſe three *Augures*, or at leaſt one ſhould be preſent to aſſure the by their obſervations, either of the favour, or diſpleaſure of the Gods. Vpon theſe premiſſes the matter was propoſed unto the people, who if they liked it, then they proceeded unto their election; if otherwiſe they diſliked it, then did the *Tribunus plebis intercedere*, that is, forbid their proceedings: whereupon their aſſemblies were preſently diſſolved.

CAP.

Cap. 4.

De Comitiis Centuriatis.

AS those former assemblies were called *Curiata & curiæ*, so were these called *Centuriata & Centuriæ*. *Servius Tullius* caused a generall valuation of every citizens estate throughout *Rome*, to be taken upon record, together with their age, and according to their estates and age, he divided the *Romans* into six great armies, or bands, which he called *Classes*; though in truth there were but five of speciall note: the sixt contained none but the poorer sort, and those of no worth or esteeme. The valuation of those in the first *Classis* was not under two hundred pounds, and they alone by way of excellency were termed *Classici*: and hence figuratively are our best and worthiest authors, called *Classici scriptores*, Classicall authors. [d] All the others, though they were enrolled in the second, third, or any other *Classis*, yet were they said to be *infra classem*. The valuation of the second band was not under fourescore pounds. The valuation of the third was not so little as an hundred pounds; of the fourth not lesse then forty pounds, of the fift not lesse then twenty five pounds. The sixt contained the poorer sort, whom *Horace* calleth *Vmbris censu humiles*, men of small substance, and who they were called *Proletarii, a muniere efficiendæ prolis edendæ*, as if the only good that they did to the common-weal, were in begetting of children. & sometimes they were called *Capite-censi*, that is such as paid very little or nothing at all towards subsidies, but only they were registred among the citizens as it appeareth by [e] *Sigonius*. These six great bands or armies were subdivided into hundreths, called in Latine *Centuriæ*. The first *Classis* contained fourescore centuries of foot-men, and eighteene of horsemen; the second contained twenty centuries of foot-men, and two of

[d] A. Gel. l. 7. cap. 13.

[e] Sig. de jure Rom. l. 1. c. 4.

workmen, which followed after to make military engins & weapons: the third also, as likewise the fourth contained 20. centuries of footmen, but to the fourth were added two other centuries of Trumpeters, Drummers, and such like, who upon just occasion did *Classicum canere*, sound the alarme, & upon just occasion did againe *receptui canere*, sound the retreat: the fift *Classis* contained thirty centuries of footmen: the sixt, or last *Classis* contained one century: so that in all the six *Classes* were contained one hundred fourescore and thirteen centuries. Where we must note that all the centuries of footmen did consist, the one halfe in every *Classis* of the younger sort, who were to make warre abroad upon the enemies: the other halfe of old men, who remained at home for the safety of the city. All that hath been hitherto spoken of these *Centuriata comitia* may be collected out of *Sigonius* in the place above quoted. The chief commander of every century was called *Centurio*; the rod, or tip-staffe wherewith he did strike his souldiers to keep them in aray, was called by *Pliny*, *Centurionum vitis*. So then we may perceive, that those *Centuriata comitia* were those, wherin the people did give their voices by centuries, or hundreds. Now the centuries did not consist of those alone which had their places of habitation at *Rome*, but of certain *Municipall* states also, and such colonies or other states, that could [d] *Plenum civitatis jus cum jure suffragii adipisci*. [e] Now the custome in old time was that all these centuries should march in their armour after the Magistrate which assembled them, into the *Campus Martius*, there to give their voices. But this custome continued not long: for thereby they did disarme the city, & give their enemies (if any should assaile them in time of their assemblies) the greater advantage: for their greater security thereof, they appointed a flagge to be hanged out upon the mount *Janiculus*, some few armed men standing there in watch and ward for the safeguard of the city: and when the assembled was to be dissolved, then did the watch depart, &

[d] Rosin. ant. lib. 6. cap. 10.
[e] Rosin. ant. Rom. l. 6. c. 16

the flag was taken down: neither could any thing after that be determined: but if they continued their assemblies, then did they proceed to the giving of their voices, in old time thus; Those centuries of the first *Classis* being the wealthier had the prerogative of suffraging first, and because this first *Classis* contained more centuries then all the rest, therefore if they could agree among themselves, the other centuries were never asked their voices. This kind of suffraging being somewhat partiall, in as much as the richer & wealthier being placed in the first *Classis*, did oversway the elections against the poorer sort of people; hence did the after ages appoint that that century should have the prerogative of suffraging first, upon whō the lot fell. The other centuries were all called [f] *Centuria Iure-vocata*, & did give their voices not by lots (as the *Tribus Iurevocata* did) but the elder and wealthier centuries did suffrage next after the prerogative centurie accordingly as their place required.

[f] Rosin. antiq. Rom. l. 6. c. 20

CAP. 7.

De comitiis Tributis.

FOr the better understanding of these assemblies by Tribes, or Wards, it will be needfull first to learne, that this word *Tribus* in this place doth signify a certaine region ward, or locall place of the city, or the fields belonging thereunto, according to that, [g] *Tributa comitia erant cum ex regionibus, & locis suffragabantur.* It was so called either *a tributo dando*, every severall regiō or quarter paying such a tribute; or *quia primo tres tantum fuerunt*, the whole city being at first divided only into three regions, or wards, each nationall tribe having his severall region or locall tribe to dwell in. The first nationall tribe called *Ramnenses* did inhabit the mount *Palatine*, and the mount *Cœlius*, and those two hills made the first locall tribe. The second nationall

[g] A. Gel. l. 15 cap. 27.

tribe called *Titienses*, did inhabit the *Capitoll*, and the *Quirinall* mountaine, which two mountaines made the second locall tribe. The third nationall tribe did inhabit the plain between the *Capitoll* and the *Palatine* hill, and that plain was called the third locall tribe. Of these tribes more is spoken in the first division of the Roman people. Only here we must note thus much, that in processe of time after the city was enlarged, and the number of Roman citizens increased, these locall tribes were also augmented, so that they amounted at the last to the number of 35. some of them being called *Urbane*, others *Rustica*; [b] *Urbana ab urbis regionibus, Rustica ab agri partibus circa municipata.* And of those two sorts the *Tribus rustica* were accounted the more honorable. Moreover we must remember, that a man might be reputed of this or that tribe, although he had no place or habitation therein. Concerning the place where these *Tributa comitia* were had, sometimes they fell out to be in the *campus Martius*, sometimes in their great hall of justice called *comitium*; sometimes in the *capitoll*, many times in other places, according to the discretion of the Magistrate which caused these assemblies.

b Sig. de jure Rom. l. 1. c. 3.

Cap. 6.

De Candidatis.

IT shall not be impertinent to annex some necessary observations touching the *Roman* petitors or suiters for obtaining office: where we will observe these three phrases, *ambire magistratum*, *inire magistratum*, and *abire magistratu*. The first signifieth to sue for an office; the second, to enter into the office; the third to depart out of the office. Again the difference of these phrases, *confiscere legitima suffragia*, & *explere suffragia*. The first signifieth to have so many voices as the law doth require. The second signifieth to have more

[i] Rosin. antiq. Rom. l. 10. c. 6

voices

voices then any other competitor, but not so many as the law requireth.

These persons were termed *Candidati, à togâ candidâ*, from the white gowne which they did wear, as appeareth more at large, where we have spoken *De Romanâ toga*. That they might the easier procure the good will of the people, these foure things were expected from them. First *Nomenclatio*, the saluting of every citizen by his name; for the better discharge of which, they had a certain follower, which should by way of prompting, tell every citizens name as he passed by, and hence this prompter was sometime called [a] *Nomenclator*, which word doth properly signifie a common crier in a court of Iustice, such as call men to their appearance, whence they had their name from *Nomen & calo*, an old latin word to call; sometimes [b] *Monitor*, sometimes *Fartor, ab infarciendo in aures*. Secondly, *Blanditia*, that is, a friendly compellation by the addition of some complement all name, as well met friend, brother, father, &c. Thirdly, *Assiduitas*, that is an hot canvasing, or soliciting men without intermission. Lastly, *Benignitas*, a bountifull, or liberall largesse, or dole of mony called *congiarium*, from the measure *congius* containing a gallon, because their [l] dole was at the first made of oile or wine distributed in those measures. Howbeit τὸ τῆς χρησιμοῦ any dole, gift, or largesse in mony, or otherwise is called *congiarium*. The distributers of this dole were called [m] *divisores* & [n] *sequestres*, although sometimes *sequester* signified a briber or corrupter of a Iudge. Likewise their bounty or liberality consisted in providing great dinners, & exhibiting magnificent shewes unto the people, &c. where we must observe, that as often as this largesse is called *Largitio*, it is taken in the worst sense, namely for an unlawfull bribing of the suffragers, under a pretended largesse, [o] *Benignitas liberalitatem magis significat quàm largitionem.*

[k] Rosin. antiq. Rom. l. 7. c. 8.

[a] Cic. orat. pro L. Mur. *Mercemur seruum qui dicet nomina, &c.*

[b] Hor. l. 1. ep. 6. Cic. loco supra citato.

[l] G. Trapez. in Philip. 2.

[m] Sig. de jud. lib. 2. cap. 29.

[n] Barth. Latomus in orat. pro M. Cœl.

[o] Cic. orat. L. Muræn.

Cap. 7.

De Romanis vestibus.

WE may observe in reading old authors, that as well the *Romans* as the *Grecians* had divers distinct habits, or outward vestiments. The *Grecians* had their mantle called *Pallium*; the *Romans* their gowne called *Toga*: and by this different kind of garment the one was so certainly distinguished from the other, that this word *Togatus* was often used to signify a *Roman*, and *Pallatus* a *Grecian*. [f] *Togati pro Romanis dicti, ut Pallati pro Græcis.* Before we proceed, we will first observe what this *Toga* was, and then how many sorts there were. [g] *Toga à tegendo dicta est.* It was made commonly of wooll, but according to the worth and dignity of the person, sometimes of courser, sometimes of finer wooll; as we may collect by that of *Horace*.

—— Mihi sit toga, quæ defendere frigus
Quamvis crassa queat ——

[h] We must note with *Toxita*, that no women of any credit did wear the *Roman* gowne, but instead thereof did use a garment called *Stola* from στέλλω signifying *demitto, quòd usq; ad talos demitteretur:* whence old Poets, when they would point out unto us an infamous or lewd strūpet, they would terme her [i] *mulierem togatam.* [k] This *toga* sometimes was worne open and untuckt; then was it called *toga aperta*: other times it was tuckt up, and then it was called *toga præcincta.* This cincture or girding up of the gowne was according to [l] *Sigonius* threefold; *Cinctura laxior*, *Astrictior*, and *Cinctus Gabinus*; *Cinctura laxior*, or the loose kind of girding was such that notwithstanding the tuck, yet the taile trailed on the ground; *Cinctura astrictior*, the close kinde of girding was such, that after the gowne had been lapped

or

f Sigon. de Iudic. l. 3. c. 19.
g Mic. Toxita in orat. Philippic. 2.
h Mic. Toxita ib.
i Rosin. ant. Rom.
k Sig. de iud. lib. 3. cap. 19.
l Sig. ib.

or tucked up, it should not reach so farre as the feet. The first kind of these cinctures did argue a remisse, soft, and effeminate minde; the latter did signify the promptnesse or readinesse of the person: [m] *Unde, Alte præcincti, pro expeditis dicti sunt.* Thirdly, *Cinctus Gabinus* was a warlike kind of girding, not so that the whole gowne should be tucked up about the middle, but that it being cast quite backward, the party should gird himselfe with one skirt thereof. [n] This kind of girding was so called from a certain city of *Campania* called *Gabii*, because upon a time the inhabitants of this city being at sacrifice, were set upon by their enemies; at which time they casting their gownes behind them, & girding one lappet or skirt about them, went immediatly to warre even from the altars, and got the conquest. [o] In memory of which ever after, the *Consul* when he should proclaime war, girded himselfe in like māner. Neither had the *Consul* alone a peculiar garment when he proclaimed war, but every souldier in time of warre did weare a different kind of garment from the gown, which they called *Sagū*: we may english it a souldiers coat. Whence *Tully* useth this phrase *ad sagaire*, which *Erasmus* hath paralleld with this *Ad certamen se accingere*, to buckle for warre. Insomuch that *Cedant saga togæ*, is *equivalent* to that of the Oratours, *Cedant arma togæ*. Touching the difference of the *Roman* gownes, I find them distinguished by [p] *Sigonius* according as followeth; in *Togam Puram, Candidam, Pullam, Prætextam, Paludamentum, Pictam, Trabeam Toga pura* was the common ordinary gowne worn by new married women, and *Tanaquill primæ texuit rectam tunicam, qua simul cum toga pura tyrones induuntur noveq; nupta. Plin lib. 8. cap. 48.* and by private men at mans estate, about the fifteenth year of their age, at which time they were said, *Excedere ex ephebio*, that is to be past striplings. Notwithstanding the sixteenth year was not alwaies strictly without exception observed; [q] for *M. Aurelius* was permitted to weare this gowne being but fifteen years old

m Sig. ibid.

n Serv. Æneid lib. 7.

o Alex. Gen. dier. l. 2. c. 14.

p Sig. de jud. 3. cap. 19.

q Rosin. antiq. lib. 7. cap. 30.

old; & *Caligula* did not weare it till the nineteenth yeare of his age. This kind of gown besides that it was called *Pura*, was also sometimes called *virilis*, sometimes *libera*. It was called *pura* in respect of its pure white colour, being free frō all admixtures of purple, or any other colour; and therefore some have termed it λάβανον, all white, others ἀμίγνυσιν, void of purple. It was called *virilis*, because it was given to striplings now growing to mans estate. Whence we use to say of a stripling past 16 years of his age, *virilem togam sumsit*, he is now become a man. Lastly, it was called *libera*, [r] because then they did receive some begining of freedome as being about that time freed from their schoolemasters, and overleers. This kind of gowne was not made open, but sewed downe to the bottome, and also it was made without sleeves, so that if at any time they had occasion to use their armes, they would take up their gowne and cast it quite behind them, or upon their shoulders. But these striplings could not for one whole years space, cast back their gownes in that manner for the liberty of their armes without the imputation of immodesty, as it appeareth by [t] *Cicero*, *Nobis inmunis erat unus ad cohibendum brachium toga constitutus*. The like liberty it seemeth was denied those that stood for places of office; [u] and thence is it, that *Horace* wisheth such to hire them a servant,

Et toga non tactæ vince reiussa nives Marti.

r Rosin antiq. Rom. l. 5. c. 32.

s Aldus Manu.

t Cic. in orat. pro Cælio.

u Sig. de iud. lib. 3. cap. 19.

Lævum
Qui fodiat latus, & cogat trans pondera dextram
Porrigere ---

In which place by *Pondera* is understood the Roman gown, as [x] *Sigonius* hath expounded that place. Now for the understanding of *Toga candida*, we are to learn a difference between this *candida toga*, and the *toga pura* above spoken of, which is oftentimes called *toga alba*, both of which were white, but differed in the degree of whitenesse. The *toga alba* had only the naturall whiteness of the wooll; the *toga candida* had an artificiall white die: whereby the glasse of the white was made more orient and intensive. Or else as [y] *Sigonius*

x Sigon. ib.

y Sigon. ib.

nius hath observed out of *Isidorus*, *intendendæ albedinis causâ cretam addiderant*, that is, they chalked it to encrease the whiteneſſe thereof. And hereunto *Perſius* alludeth.

——— *Quem ducit hiantem Cretata ambitio.*

Whence *Polybius* calleth it *togã λαμπρὰν*, that is, ſhining or ſplendent. Moreover whereas the *alba toga* was the ordinary Roman gown which commonly the Roman citizens did wear, this *candida toga* was only worne by thoſe which did *ambire magiſtratum*, ſue for a magiſtracy or place of office, who during the time of their ſuit were called from their gown *Candidati*: and *Quintilian* borrowing his metaphor from them, hath called a young ſtudent *eloquentiæ candidatũ*. The third ſort of gown which I termed *togam pullam*, was a black gown, and therefore were two ſeverall kindes; the one cole-black, which was worne *luctus cauſa*, in token of mourning; and the mourners were thence called *Atrati*, and as often as they did weare this gown, they were ſaid *Mutare veſtem*, [z] which phraſe in old Authors doth ſignify nothing elſe but to goe in mourning apparell: The other not cole-black, but only fould or ſtained, and that was worn *reatus cauſa*, in times of araignment, and thoſe that wore it, were called *ſordidati*, *à ſordibus in veſte*, frõ the ſpots or ſtaines in the gown. Where we muſt note, that in proceſſe of time *Toga pulla* became the ordinary gown which the common people did weare; at which time the ordinary gown, which the Citizens of better place and eſteem did weare, was the *toga candida*: whereupon there did then grow a diſtinction of the citizens, unknown to the former age, ſaith *Roſinus*, namely that ſome were termed *candidati*, others *pullati*: *Candidati* were thoſe, not which became ſuiters for places of office (as in old time it ſignified) but thoſe which did live in better repute then others, from whence it is, that [a] he whoſe office was to read the Emperours letters in the Senate was called *Candidatus principis*, or *Quæſtor candidatus*. It did ſomewhat reſemble the office of the King his Majeſties chief Secretary

[z] Sig. de jud. lib. 3. cap. 19. Cicorat. pro P. Sext. *Suum dolorem veſte mutata ſignificabant Romani.*

[a] Feneſt. de Mag. Ro. c. 3.

cretary. *Pullati* were those of the commonalty or inferiour sort. The fourth sort of gown was the *toga pretexta*, so called, *quia ei purpura pretexta erat*, because it was garded about with purple silk. This kinde of gown at the first was used only by the Roman Priests, and chief Magistrats: neither was it lawfull for such as did weare that gown to be arraigned, or sentence to be given on them untill tha t gown was put off. In continuance of time this *toga pretexta* was permitted first to Noble-mens children: afterward to all Roman children in generall: whereupon, [b] *Togatus à pretexto differt ne privatus à magistratu, & vir à puero*, and *ætas pretexta*, is taken for childhood; and *pretextati* sometimes for Magistrates, but commonly for young children. The fist sort of gown was called *Paludamentum*; it was a military garment, which [c] none but the L. Generall or the chief Captaines did use to weare: [d] *Isidorus* said it was not only garded with purple, but with skarlet and gold lace, whence it was sometimes called [e] *toga purpurea*, sometimes *coccinea*. It was much like the habit which the *Grecian* Emperour was wont to weare called *Chlamys*; yea now it is called *Chlamys*; wee may english it an *Heralds* coat of Armes. The sixt sort of gown was called *toga picta*, [f] because in it were imbroadered goodly pictures with needle work: it was also called *Purpurea*, not because of any purple gard (in which respect the *pretexta*, and the *paludamentum* were called *purpurea*) but because it was all over with a purple die: it was by some termed *toga palmata*, because in it many palm branches being the reward & token of victory were wrought: whence by others it was called *toga triumphalis*, because Emperors in their triumphs did weare such gownes. The last sort of gowne was *Trabea*, whereof there were [h] three severall kinds; the one woven all of purple, which was consecrated unto the Gods: the second was purple woven upon white, and this only kings & Consuls might weare, the third was skarlet woven upon purple, and this the *Augures* only did weare. [i] This last sort was there-

[b] Pet. Pellitarius in orat. pro A. Cæcin

[c] Alex. Gen. dier. l. 5. c. 18.

[d] Sig. de jud. lib. 3. cap. 19.

[e] Sigon. ib.

[f] Rosin. ant. q. lib. 5. cap. 31.

[g] Sig. de jud. lib. 3. c. 19.

[h] Serv. Æneï lib. 7.

[i] Alex. Gen. dier. l. 5. c. 18.

therefore called *trabea auguralis*, the second *trabea regia*, the third *trabea consecrata*.

Cap. 8.

De Tunica.

THose coats which were worne under the gowne, were called *Tunicæ*; and that they were worne under the gowne it appeareth by that adage, *Tunica pallio propior est*, that is, every one for himselfe first; or according to our English proverb, close sitteth my shirt, but closer sitteth my skin. [k] This *tunica* was both narrower & shorter then the gown: at first it was made without sleeves: afterward with sleeves, and by it, as well as by the gown were Citizens distinguished. The first sort of coats was made of white cloath commonly, [l] but purfled over and embroadered with studs of purple in manner of broad nayle heads; whence it was called *Laticlavia*, or *Latus clavus*; and the persons wearing this coat were Senators, called thence *Laticlavii*: The second sort belonged unto the Roman Knights, and it differed in making from the first, onely that the purple studs or embroadered workes of this, were not so broad as the former: whence the coat was called *Angusticlavia*, or *Angustus clavus*, and the persons wearing it were called *Angusticlavii*. The third sort belonged unto the populacy and poorer sort of Romans; it was made without any purfled works, being called *Tunica recta*. This coat was given together with the *Virile* gown to striplings past sixteen years old, & to new married women. And as the *recta tunica* was given with the *Virile* gowne; so was the *tunica clavata* given together with the *toga pratexta*; and the *Laticlavia*, otherwise called *tunica palmata*, given with the *toga picta*. The fourth and last sort belonged unto women, being a long coat reaching downe unto the heeles; they called it *Stolam*. Upon it they did weare an outward garment [m] called *palli-*

[k] Sig. de jud. lib. 3. cap. 20.

[l] Salmuth in Pancirol. lib. rerum deperdit. c. de fibul. Vide Turneb. advers. l. 1. c. 2.

[m] Rosin. ant. lib. 5. cap. 35.

sim, and sometimes *palla, quia palàm gestabatur.* [n] *Sigonius* saith that this *palla* was a certain gowne used by stageplaiers: howsoever certain it is, that not onely women, but men also and children did weare this kinde of garment. Besides the Roman gown & coat there remain other parts of their apparell to be spoken of; such are these which follow: *Lacerna*, which some doe english a cloak, but [o] *Festus* would have it to be a litle kind of hood, which men should wear to defend themselves frō the rain & weather; It was made that either side might be worn outward; and at first it was worne only in war, so that *lacernati* stood in opposition with *togati*. [p] *Isidorus togatos pro urbanis, lacernatos pro militibus usurpatos scribit.* Afterward as we may conject, it was made longer in manner of a cloak, for it was divers times worne upon their coats, insteed of gowns. Another kinde of garment was the *Penula*, so called *quasi pendula*, we may translate it a long hanging cloake. A third was called *Mitra*, which sometimes did signify a certaine attire for womens heads, as a coife or such like; though this kinde of attire was more properly called *Calantica*: other times it signified a girdle, which more properly was called *Zona*; This *Zona* chiefly signified a souldiers belt, or a marriage girdle: The souldiers belt was lined within in the inside, where when they went to war, they did put their mony: whence *Horace* saith of a man that hath lost his mony, *zonam perdidit.* And ζώννυσθαι, to be girt, signifieth Ἔνδυσιν πανοπλίας, *Arma induere. Cœl. Rhod. l.* 22. 19. happily because that part of the body which was girt, was cōsecrated to *Mars*, as the forehead was to every mans particular *Genius*, the armes to *Iuno*, the brest to *Neptune*, the reines to *Venus*, the feet to *Mercury*, & the fingers to *Minerva. Alex ab Alex. l.* 2. *c.* 19. Young maids when they were married were wont to have a mariage girdle tied about their middle, which their husband at the first night of their marriage should untie: whence *zonam solvere*, hath been translated to deflowre a Virgin: this marriage girdle

[n] Sig. de jud. lib. 3. c. 19.

[o] Sigon. ib.

[p] Sigon. ib.

girdle in former times was called *Ceſtus*, from whence cõmeth the Latine word *inceſtus*, & the Engliſh word Inceſt: which in truth ſignifieth all kind of pollution committed by undoing, or untying this girdle called *ceſtus*: but now in a more ſtrict acception it ſignifieth only that kinde of naughtineſſe, which is committed between two of neer kin: and that other folly which is committed with a ſtrangers wife, is now properly called *adulterium*; and that which is committed with a maid or widdow *ſtuprum*. The laſt thing touching their apparell is their ſhooes. [r] *Calceamentorum genera duo fuerunt, calceus & ſolea.* For the ſoal of the ſhooe called in Latine *ſolea*, ſometimes *crepidula*, and in *Cicero* his time *gallica*, was tied on to the bottome of the foot with leathern ſtraps or buckles, and ſo worne inſteed of ſhooes: the divers kindes of theſe ſhooes did diſtinguiſh the Roman people alſo. To omit the difference in colours, wee may reduce the chiefe kindes to five heads, *Mullei, Uncenati, Perones, Cothurni, Socci*; All theſe ſorts of ſhooes were made halfe way up the leg, as the Turkiſh ſhooes are, according to *Ioſephus Scaliger*: and they were either laced cloſe to the leg, as many of our boots are now adaies; or claſped with taches or haſpes. The firſt ſort called *Mullei* [s] from the fiſh *mullus*, being like unto it in colour, were alſo called from their claſpe, *calcei* [t] *lunati*, becauſe the claſps were made in forme of an halfe moon, which halfe mooned claſp reſembling a Roman C, ſignified an hundred, [u] intimating thereby that the number of the *Senators* (they only being permitted to wear this kinde of ſhooe) were at firſt a full hundred and no more. Others are of opinion that they wore this mooned claſp to put them in minde that the honour to which they had attained, was mutable and variable as the moon. For they think that theſe *Lunati calcei* were not received as a token of Nobility only at Rome, but in other places, to which purpoſe they interpret that of the Prophet *Eſay cap.* 3. *In die illo auſert Dominus ornamentum calceorum & lunulas. Cæl. Rhod lect. Antiq.*

q Cæl. in orat pro Milone.

r Roſin. antiq. Rom. l. 5. c. 36

s Salmuth. in Pancirol. lib. rerum deperdit. cap. de fibula.

t *Appoſitam nigræ lunam ſubnexit alutæ.* Iuven.

u Salmuth in Pancirol. lib. rerum deperd. cap. de fibul.

tiq l.20.c.28. Vncinati calcei, were those, which the souldiers were wont to weare, I take them to bee the same with those which they called *Caligæ*, from which kinde of shooes *C. Cæsar Caligula* had his name, because he was borne in the army. *Quia natus in exercitu fuerat, cognomentum calceamenti militaris, id est, Caligula sortitus est. Aurel. Vict. Epit. de vita imperat. Perones* (as we may conjecture) were laced up the leg: for *Tertullian* making but two sorts of shooes, saith, there were the *Mullei* called from their clasps *Lunati*, and the *Perones* made without such halfe mooned clasps, called also *calcei puri, quoniam ex puro corio facti*; and these *Perones* or *puros calceos* all the other *Romans* did weare [x] with this note of distinction, that the Magistrates shooes were beset with precious stones, private mens were not. Thus much concerning both the kindes and fashion of the shooes may be collected out of *Rosinus* in the place above quoted. The description and use of the *Cothurnus*, & *Soccus*, may be seen in the tract *de Romanis ludis*.

x Salmuth. in Pancirol. lib. rerum deperd. a. de fibula.

LIB.

LIB. 3. SECT. 2.

Of the Roman Magiſtrates.

CAP. 1.

De Magiſtratibus Romanis.

WE being to treat of the *Roman* Magiſtrates will firſt ſee what the definition of a Magiſtrate is: A Magiſtrate is he [o] who receiveth by publike authority, the charge and overſight of humane affaires belonging to the common wealth. Theſe *Roman* Magiſtrates were either to be choſen onely out of the better ſort of Romans, called the *Patricii*; or elſe only out of the commonalty. [p] The firſt were thence called *Magiſtratus patricii*, the ſecond *Magiſtratus plebeii*. The *Patricii* had power to hinder the aſſemblies of the people; namely their *Comitia*, by obſerving ſignes & tokens from the heavens: howbeit ſome of them had greater power, others leſſe; inſomuch that ſome were called *Majores Magiſtratus*, *quoniam habebant majora auſpicia, id eſt, magis rata*. Others were called *minores Magiſtratus*, *quoniam habebant minora auſpicia*. Of theſe in their order. [q]

[o] Sig. de jur. Rom. l. 1. c. 20

[p] Sig. de jur. Provinc. l. 3. cap. 1.

[q] Feneſt. de Magiſt. Rom. cap. 1.

CAP. 2

Cap. 2.

De Rege & Tribuno Celerum.

IN the infancy of Rome, it was governed by a King unto *Tarquinius Superbus* his time, who by maintaining that shamefull act of his sonne towards *Lucretia*, did so incense the people, that they did not only for the present exile him, but decreed that their City should never after that bee governed by a King. This King had absolute rule and government over the city. For the safety of his person he had three hundred chosen young men alwaies to bee attendant about him, much like unto our Kings Majesties Guard here in *England*, or rather his *Pensioners*. They were called [r] *Celeres à celeritate*, from their readinesse in assistance: sometimes they were called *Trossuli*, [s] because they alone without the helpe of any foot-men did take a certain city in *Etruria* called *Trossulum*. Other times they have been called *Flexumines*, whereof as yet there hath been no certain reason rendred. Each hundred of them had their severall overseer called *Centurio*: and over them all there was one generall overseer, & chiefe commander, whom they called *Praefectum vel Tribunum Celerum*, his place being next to the King. A second sort of attendants about the King were called *Lictores à Ligando*, according to that, *Lictor colliga manus*. They were by the *Grecians* called ῥαβδοῦχοι, which we may render Virgers frō ῥάβδος a rod, and ἔχω, to haue: though sometimes ῥαβδοῦχοι doe signifie the same as ῥαψῳδοὶ, the rehearsers of *Homers* verses, or in generall of any other *Poets*: περὶ τὸ ῥάπτειν ἀοιδάς. from patching together other mens Poems. For the reciters of *Homers* verses were wont to hold a rod or wand in their hand during the time of rehearsall. *Cœl. Rhod. l c. 29.* They did somewhat resemble our Serjants, there being in number twelve of them. Their office was to carry certain bundles of birchen

[r] Plutarch. in Romulo.

[s] Plin. l. 33. cap. 2.

birchen rods with an axe wrapped up in the midst of them: the rods in Latin were called *Fasces*, the axe *Securis*. The reason why they carried both axes and rods was to intimate the different punishment that belonged to notorious & petty malefactors. The reason why they were wrapped up together was not only that they might thereby be more portable, but that the anger of the Magistrats might bee somewhat allayed, whiles they were unbinding. Hence, because these *Fasces virgarum & securium*, did betoken honour and chiefdome in place and authority, by the figure *Synecdoche*, this word hath been used to signifie honour and dignity, as *Fascibus suis abrogatis*, he being discharged of his magistracy or dignity. And *Fasces submittere*, to give place, or yeeld unto. *Valer. Publicola* gave the occasion of the proverb. He to insinuate himselfe into the hearts of the people is said, *Submittere fasces populo quoties prodiret in concionem*. Some interpret it, as if he were wont to command the Seriant quite to depart out of the assembly with their rods, which opinion *Plutarch* in *Publicola* confuteth writing thus, αὐτὸς τε τὰς ῥάβδους εἰς ἐκκλησίαν ἰὼν, ὑφῆκε τῷ δήμῳ κατάκλιτε. *Fasces ipsos in concionem progressus populo submisit inclinavitq.* So that the phrase signifieth properly, the not holding up of the rods, or rather the laying them down as it were at the feet of the people. *Cœl. Rhodig. l. 12. c. 7.*

[1] Ioac. Camerarius in orat. pro Flacco.

Immedicabile vulnus ense recidendũ, &c

Cap. 3.

De Senatu, & quis Princeps Senatus, & qui Senatores Pedarii?

TOuching the election of the *Senators*, the number of them, and the distinction of them into *Senatores majorum & Senatores minorum gentium*, sufficient hath been delivered in the second division of the *Roman* people; as likewise in the third division hath been shewne the habit

or gown by which the *Senators* were distinguished from the *Roman* Gentlemen. Here therefore it shall be sufficient for us to understand, that every solemn meeting, or consistory of these *Senators* was called *Senatus*. The foreman of them (which could be no other then such, as had been either *Consul* or *Censor*) was called *Princeps Senatus*, and his opinion was alwaies first asked. Now among those that had borne those foresaid offices, it was in the *Censors* power to make whom he would fore-men. The decree of this consistory was called *Senatus consultum*. And many times it is written with these two letters only S.C. In like manner their preface to these decrees was commonly these two capitoll letters B.F. That is *Bonum factum*, *Sueton. Iul. Cæs. cap.* 80. and it had the same use as, *In nomine Dei* with us. The place where this consistory was had, they called *Senaculum*: None was [u] ordinarily admitted into the place of a *Senator*, before the five and twentieth yeare of his age: and of those that were admitted, some were allowed to ride unto the Senate-house in a Curule chaire, namely when they had borne such office, which gave them right unto that chaire: others which had not born such office went on foot: [x] whence these latter were called *Senatores pedarii*. They determined their acts which they called *Senatus-consulta*, sometimes by departing down their benches, & dividing themselves into sides; those which did approve that which was proposed, sided with the party who did *Referre ad Senatum*, that is, propose the matter unto the Senate; the others departed unto the contrary side; or if they came not down at all, but sate still on the benches, then did they signify by holding up, or beckning with their hands, what side they would take. Now if the major part were easie to be discerned, then they rested there, terming that act to be decreed [y] *per discessionem*: and hence these and the like phrases have take their beginning, *In illius sententiam iturus sum*, and *Manibus pedibusq; discedere in alicujus sententiam*, that is to be fully perswaded of ones opinion. Now if both com-

[u] Mart. Phileticus, in Cic. l. 1, ep. fam. 1.

[x] Mart. Philet. ibid. *It.* A. Gel. no. Attic. l. 3. c. 18

[y] Hubert. in Cic. lib. 1, ep. fam. 1.

companies were almost equall, so that the major part could not easily be discerned, then did they proceed to give their voices, and that which was thus determined was said to bee decreed, *per singulorum sententias exquisitas*, that is, by voices. Here we may observe that to those, who were favourably heard in *Senate*, *His senatus dari dicebatur*; and [a] likewise they were said, *stare in Senatu*: as on the contrary they were said *iacere*, whom the *Senate* neglected or rather condemned. [a] *Cum mihi stanti jacens minaretur*, saith [b] *Tully*. If any Senator were absent without a lawfull excuse, then was hee fined: and for the payment thereof, hee did put in a pledge, which if he did not ransome, then did the comnio Treasurer *Cadere vel concidere pignora*, that is, strain or seaze upon the pledges, making common sale thereof, in which sense those two phrases are used, namely, *capere pignora, & auferre pignora*, that is, to strain or seaze upon a mans goods.

[a] Ascensius in Cic. l. 1. epist. fam. 4.
[a] Cic. orat. de arusp. respon.
[b] Rosin. antiq. l. 7. c. 7.

Cap. 4.

De Consulibus.

After the expulsion of *Tarquinius Sup.* the last Roman King, all the citizens in Rome assembled, and concluded that the government of the city, which before was in the hand of one alone Governour, called their King, should now be divided betweene two: [c] who at first (before there was any such subordinate office as a *Pratorship*) the *Romanes* called *Pratores, quod prairent populo*. Not long after they were called *Iudices à judicando*. In processe of time they were known by no other name then *Consules à consulendo populo*. [d] No citizen was ordinarily created *Consul* before the forty third yeare of his age. Neither might any be chosen without speciall dispensation, either of their absence out of Rome[e], [e] or in time of their triumph; which was the reason that *Iulius Cæsar* was glad to forgoe his triumph at

[c] Rosin. antiq. Rom. l. 7. c. 9.
[d] Cic. orat. Phil. 5.
[e] Suet. Iul. Cæs. cap. 18.

that time when he was Consul with *Bibulus*. The signes or tokens of this *Consular* dignity were the twelve *Lictors* carying their bundles of rods and axes, [f] the first month before one Consul, and the second before the other as formerly they had done before the Kings. * Now he that had the rods carried before him in the first month, either hee had more children then the other, for the *lex Iulia* gaue precedency to him who had most children, or hee was elder then the other, or in time of the election hee was pronounced before the other, for which respect he was called *Consul maior*, and *Consul prior*. [g] The reason why each *Consul* had not twelve *Lictors* alwaies, was because the tyranny of the *Consuls* might then seem to be doubled and to exceed the tyranny of the Kings. Another token was a certain chaire of estate called *Sella eburnea*, that is, an Ivory chaire, so called from the matter whereof it was made; & [h] because this chaire was commonly carried about in a certain coach or chariot, wherein the Consul did ride, hence from *Currus* which signifieth a Chariot, it is also called *Sella curulis*; where [i] note that the word *Curulis* is sometimes used substantively, & then it signifieth some chiefe magistracy or office amongst the *Romans*. The gown, by which they were distinguished from other Magistrats or private men, was a certain purple gown, which from the great embroadred works was called *Trabea*, and he that did weare it was thence called *Trabeatus*, according to that, *Trabeati cura Quirini*. It will be worth the observation to note, that the *Romans* did date their Deeds & Charters in old time; by naming the yeare wherein their City was first founded; as to say *Ab urbe condita* the twentieth, thirtieth, or fortieth yeare, &c. But in processe of time their manner of dating was by subscribing the names of their present Consuls: as to say, such a thing was determined *L. Valerio, M. Horatio Consulibus*, such and such being Consuls: Whence *Suetonius* speaking of *Iulius Cæsar*, saith he was appointed to be *Flamen Dialis, sequentibus consulibus*, that is, the

[f] Alex. Gen. dier. l. 3. c. 8.

* Cæl. Rhod. lib. 12. c.

[g] Feneſt de magiſt. Rom.

[h] A. Gel. l. 3. c. 18.

[i] Stadius in Flor. l. 1. c. 5.

the next yeare following. Yea this was so common a date that to know the age of their wines they signed their vessels with the names of their Consuls, adding withall that they might know the goodnesse of their wine, the name of the country whence it came, according to that of *Juvenal sat.* 5.

_____Cujus patriam, titulumq́, senectus
Delevit multa veteris fuligine testa. Turn. ad vl. 1. c. 1

Those alone who had borne the office of a Consul, not every one that was capable therof, were said to be *Viri consulares.*

[k] At the first those who were created Consuls remained in their office the space of an whole yeare, being *designati ad consulatum* upon the twentie fourth of Octob. [l] *Ad consulatum non inierant ante Calendas Ian.* that is the first of January. The reason of this chasme, or *interim*, between their designation unto their office, and their entry into it, was (as we may probably conject) that the competitours might have some time to enquire *de Ambitu*, that is, whether there was no indirect and unlawfull meanes used in their canvasing. In processe of time either by voluntary resignation or deposition or death many Consuls have been chosen in the same yeare, and they were called [m] *Nonordinarii, & suffecti Consules.* At such times all their deeds were dated by the names of the two first Consuls which began the yeare: whence those two first, and likewise all those that continued in their office the whole yeare were called [n] *Consules Honorarii*, and *Consules Ordinarii.*

[k] Tiffinus in orat. Cic. pro Cælio.

[l] P. Ramus in orat. Cat. 1.

[m] Fr. Sylv. in Cic. orat. pro Murænâ.

[n] Rosin. antiq. Rom. l. 7. c. 9.

Cap. 5.

De Censoribus.

THe Consuls finding themselves encombred with so many businesses of a different nature, did by consent of the Senate choose two peculiar Officers called [o] *Censores à censendo*; because they cessed and valued every

[o] Feneſt. de mag. Rom. c. 17.

mans eſtate, regiſtring their names, and placing them in a fit century. For it did concern the Romans to know the number, and likewiſe the wealth of the people, to the end they might be informed of their own ſtrength, and ſo ſhape their courſe accordingly, either in undertaking warres, tranſplanting Colonies, or in making proviſion of victuals in time of peace. A ſecond and main part of their office was in reforming manners, to which end they had power to enquire into every mans life. This part of their authority was noted out unto us by this phraſe, being called *Virgula cenſoria*. If any one had plaid the ill husband, & neglected his farme, or left his vine untrimmed, the *Cenſors* took notice thereof. They did *Senatu & Tribu movere*, i. they did diſpoſe Senators and pull down men from a more honourable tribe, to a leſſe honorable. *Diminutio maxima* was the loſſe of ones Tribe, city and freedome. Theſe *Cenſors* were reputed of the beſt ranke of Magiſtrates in Rome: they remained in their office an whole five yeares ſpace ordinarily: I ſay ordinarily, becauſe [r] through the abuſe of their place, the office hath been made ſometimes annuall. [f] That five yeares ſpace the Romans did call *Luſtrum*, becauſe they did once in every five yeares revolution *Luſtrare exercitum Romanum*, by ſacrifice purge the Roman army. Hence we ſay *duo luſtra*. 10. yeares *tria luſtra*, 15. yeares, &c. The performance of this *Luſtration* belonged alſo unto the *Cenſors*: for after the *Cenſors* had performed the one part of their office, in regiſtring the juſt valuation of every citizens eſtate, [t] they did lead a Sow, a Rã and a Bull, three times about the army, and in the end ſacrificed them to *Mars*: and thus to purge an army, is, *condere Luſtrum*; though ſometimes *condere Luſtrum* doth ſignifie, to muſter an army. Theſe ſacrifices, as likewiſe all others of the like nature, that is, wherein there was a Sow, a Ramme, and a Bull ſacrificed, were termed ſometimes [u] *Suo vetaurilia*, ſometimes *Solitaurilia*, ſometimes [x] *Taurilia*. Moreover it did belong unto theſe *Cenſors* to farm out the tributes

r Feneſt. de Rom. magiſt. cap. 7.

f Pomp. Læt. de Rom. mag. c. de Cenſor.

t Pancirol. lib. rerum deperd. c. de cibi capiendi modo.

u Alex. Gen. dier. l. 5. c. 27.

x Pomp. Læt. de mag. Rom. c. de Cenſor.

butes, impoſts, tollage, &c. [y] At the five yeares end, the acts of both their *Cenſors* were regiſtred upon books of record, which records were laid up in a certain religious houſe dedicated to the *Nymphs*. Whence [z] *Cicero* ſpeaking of *Clodius* ſaith, *Qui eadem Nympharum incendit, ut memoriam publicam incenſis tabulis publicis impreſſam aboleret.*

[y] Pancirol. l. rer. deperd. c. de cibi capiendi modo.
[z] Cic. pro Milone.

Cap. 6.

De Prætoribus.

THE *Conſuls* by reaſon of their many troubles in warre, having no time to adminiſter juſtice unto the Roman people, did for the better help therein, creat two new Officers for the executing of juſtice; the one to examine and judge of matters within the City, between Citizen and Citizen; the other to decide controverſies between forreiners: The firſt they [a] called *Prætorem urbanum*, and *Prætorem maiorem*; the other *Prætorem peregrinum*, & *Prætorem minorem*: we may engliſh them Lord-chiefe Juſtice. Where we muſt note that at the firſt there was only the *Prætor Urbanus*, untill the caſes and ſuits in law became ſo many, that one was not ſufficient to heare them all, [b] yea at laſt the number of the *Prætors* came to ſixteen: namely, when thoſe two were added for the providing of corn and grain: whence they [c] were called *Prætores cereales*; [c] nay there were at laſt eighteen *Prætors*, there being two others added to judge of cõtroverſies touching feofments of truſt, called thence *Prætores fidei commiſſarii* [d] *Cauſarum duo genera ſunt, alia privata, alia publicæ; has criminoſas, illas civiles appellant.* In thoſe caſes which were private, that is, [e] touching equity and uprightneſſe of any act, or the reſtitution of any mony, or goods unlawfully detained from the right owner, it belonged principally unto the [f] two firſt *Prætors* to judge, [g] but under thẽ unto the *Centũ-viri*, who oftentimes are called by *Tully*, *Recuperatores*.

[a] Pighius æquipet. comp.
[b] Alex. Genedier. l. 2. c. 15.
[c] Feneſt. de mag. Rom. c. 19.
[d] Fr. Sylv. in orat. pro Mur.
[e] I. Saxonius in Cic. orat. pro S. Roſcio.
[f] Roſin. antiq. lib. 7. cap. 11.
[g] Saxonius ibid.

cuperatores, & *Iudices hastæ*; the court *Hastæ centum-viralis* because one of the marks and speciall ensignes was a speare erected up in the place the court was kept. Those cases wch were publike or criminall, as treason, murder, buying of voices in the canvasing of offices, &c. were called also *causæ capitales*, and *capitis dimicatio*, that is, [h] such cases wherein if the party accused had been found guilty hee was *capite damnatus*: by which phrase we must not understand alwaies *Vltimum supplicium sed aliquando exilium*, *quo scilicet caput*, that is, *civis eximitur à civitate*.[i] These cases at the first were heard by the Kings & Consuls; afterward by certain appointed thereunto by the people, being called from their inquisition *quæsitores parricidii*. In continuance of time the examination and hearing of these publike cases was turned over unto certain Magistrats, who because they were to continue their office a full and entire yeare (whereas the others had their authority no longer then they sate in judgement) were thence for distinction sake called *Prætores Quæsitores*, and the cases were tearmed *Quæstiones perpetuæ*: [k] because in these cases there was one set forme of giving judgement perpetually to remain; whereas in those private or civil causes the *Prætor* did commonly every yeare change the forme of giving judgement by hanging up new edicts. [l] Here wee must note that these *Quæsitores Parricidarum*, otherwise called *Prætores Quæsitores*, had not the examination of all publike cases, but sometimes upon extraordinary occasions either the Consuls, the Senate, or the people themselves would give judgement. Now as those former *Prætors* had a speare erected up, whereby their court for private causes was known; so had these *Quæsitores* a sword hanged out in token of their court. [m] *Prætorum insignia duo fuere, hasta, & gladius; illa ad iurisdictionem, hic ad quæstionem significandã.* The officers which did attẽd these *Prætors* were *Scribæ*, that is, certain Notaries much resembling the Clerkes of our Assises, their office being to write according as the *Prætors*

or

h Fr. Sylv. in orat. pro Mur.

i Rosin. antiq. lib. 9. c. 18.

k Rosin antiq. lib. 7. c. 11.

l Rosin. ant. lib. 6. c. 18.

m Sig. de jud. lib. 1. cap. 7.

or chief Iustices did bid them, taking their name *a scribendo*. The second sort were called *Accensi ab accindo*, from summoning, because they were to summon men to their appearance. They much resembled our Bayliffes errant. The third sort were *Lictores*, of which before. [n] The authority of the urbane *Prator* was so increased in time, yea his honour was such, that whatsoever he commanded, it had the name of *Ius honorarium*. [o] Others are of opinion, that onely the *Pretors* edict was that *Ius honorarium*; [p] the *Prator Vrbanus* being wont at the entrance into his office, to collect a set forme of administration of justice out of the former lawes and severall edicts of former *Pretors* according unto which hee would administer justice all the yeare following: and lest the people might be ignorant of the contents thereof, hee caused it to be hanged up to the publike view. This form of justice was termed *Edictum, ab edicendo id est, imperando*, because [q] thereby he did command, or forbid something to bee done. Whence *Pellitarius* in the place now quoted doth translate *Consulum edicta*, Mandatory letters, that it might be distinguished from other Magistrates edicts. It was commonly called *Pretoris edictum*. And as *Pighius* observeth in the place aboue quoted, it was called *edictum perpetuum* not absolutely because the vertue thereof was perpetuall (for that expired together with the *Pretors* office, and therefore *Tully* calleth it *legem annuam*:) but in respect of other edicts made in the middle of the yeare upon extraordinary and unexpected occasions; which latter sort of edicts *Tully* calleth *peculiaria & nova edicta*. Afterward [t] *Salvius Iulianus* collected an Edict out of all the olde Edicts of the former *Pretors*, wherein almost all the whole civill law was contained, and this was called properly *Edictum perpetuum*, because that all the *Pretors* ever after did administer justice according to that edict, by the appointment of *Hadrianus* being then Emperour. The edict being given out, the administration of justice consisted in the use of one of these three words, *Do, Dico*,

n Feneſt. de Rom. magiſt. cap. 19.
o P. Pellit. in Cic. orat. pro A. Cœcinna.
p Pigh. Æquet. com.
q Pellit. in Cic. orat. pro A. Cœcinna.
r Cic. in Ver.
s Cic. in Ver.
t Sig. de jud. lib. 1. cap. 6.

eo, & Addico, id est, z Dare actionem, Dicere ius, Addicere tam rei quam hominis. That is, he is said *Dare*, when he granteth out an action or writ against a man: *Dicere*, when hee passeth judgement on him, and *Addicere*, when he in the court doth see & allow the delivery of the thing or the person on which judgement is passed. The forme of Addiction was thus: After judgement had been pronounced in the Court, the partie which prevailed, laid his hand on the thing or the person, against which sentence was pronounced using this forme of words, *Hunc ego hominem, vel hanc rem, ex jure Quiritium meum esse dico.* Then immediatly did the Chief Iustice *Addicere*, that is, approve the challenge, and grant a present possession. *Ant. in Fast. lib. 1.* For explanation whereof we must know, that this word a *Addico*, is sometimes *verbum Augurale*, sometimes *Forense*, sometimes a tearm of art belonging unto the discipline of the *Augures*, and so the birds are said *Addicere*, when they shew some good and lucky token, that the matter consulted about is approved by the Gods, the oppositе hereunto is *Addicere*. Sometimes this verb *Addico* is a tearm of law signifying as x much as to deliver up into ones hands, or into ones possession: whence we doe not only call those goods that are delivered by the *Prator* unto the right owner *bona addicta*, but those debtors also which are delivered up by the *Prator* unto their creditors to work out their debt, are tearmed *servi Addicti*: yea moreover because in all port-sales it was necessary that the *Prator* should *Addicere bona* deliver up the goods sold, hence doth this word often signify to sell, as *Addicere sanguinem alicujus*, to take mony to kill a man, to sell a mans life. Touching the reason of their name, they were called *Praetores à praeundo, quoniam iure praibant.* And y those alone were properly tearmed *viri praetorii*, which had borne this office, not they which were capable thereof: in the same sense we say *Viri censorii*, and *viri Aedilitii*, &c.

a I. Camerar. in Cic. orat. pro Flacco.

x M. Toxita in orat. pro Pub. Quint.

y Pr. Maturantius in Philip. 13.

Cap.

Cap. 7.

De Imperatoribus, Cæsaribus, siue Augustis.

WHen C. *Iulius Cæsar* had ouercome *Pompey* his sonnes in *Spaine*, as his returne to *Rome* the Senate welcomed him with new inuented titles of singular honour, styling him *Pater patriæ*, *Consul in decennium*, *Dictator in perpetuum*, *Sacrosanctus*, and *Imperator*: all which titles were afterward conferred upon *Octauius Cæsar*, and all the Emperours succeeding desired to bee called *Imperatores & Cæsares* from him. Where wee must understand that this name *Imperator* was not altogether unknown before, for by that name the *Romane* souldiers were wont (euen at that time) to salute their L. Generall after some speciall conquest. These Roman Emperours were afterward called also *Augusti* from *Octauius Cæsar*, whom when the Senate studied to honour with some noble title, some were of the minde that he should be called *Romulus*, because hee was in manner a second founder of the citie; but it was at length decreed by the aduise of *Munatius Plancus*, that hee should be stiled by the name of *Augustus*, which wee may english Soueraigne: and they counted this name of more reuerence and majestie then that former name of *Romulus*, because all consecrated and hallowed places were called *Loca Augusta*. The authority of these Emperours was very great, euen as great as the Kings in former times. ¶ Sex. Æn. l. 6

Cap. 8.

De principibus iuuenibus, Cæsaribus, & nobilissimis Cæsaribus.

a Rosin. ant. l. 7. c. 3.

A a custome was received amongst the Romain Emperours in their life time to nominate him whom they would have to succeed them in their Empire; and him they called *Principem iuuenem, Cæsar, & Nobilissimum Cæsar*. The like custome was practised by *Charles* the fifth Emperour of *Germany*, and so hath been continued by his successours; namely, that one should be chosen whom they called *Rex Romanorum*, who should be so far invested in the title to the Empire by the meanes of the present Emperour, that upon the death, resignation, or deposition of the then being Emperour, he immediatly should succeed.

Cap. 9.

De Præfecto urbis.

Romulus for the better government of the City appointed a certain officer called *Vrbis præfectus*, to have the hearing of all matters or causes betweene the master and the servant, betweene orphanes and their overseers, betweene the buyer & the seller, &c. Afterward in time of the Romain Emperours this *Vrbis Præfectus* did assume unto himself such authority, that he would examine and have the hearing of all causes, of what nature soever, if they were *Intra centesimum lapidē*, within an hundred miles of *Rome*: (for b *Lapis* in old time signified a mile, because at every miles end a great stone in manner of a mark-stone was erected) in the absence of the King or Consuls, he had all authority which belonged unto them resigned vnto him. I am

b Despauterius in sua syntaxi.

not

not ignorant, that some doe mark this latter kinde of Prefecture, or Lieutenantship, a different office from the former, but I should rather think them to be one & the same, onely his authority to be more enlarged in the Kings absence, and of this opinion doe I finde *Festus*, *Alexand. Neapol.* and *Sigonius*.

c Sig. de jur. Rom. l. 1. c. 20

Cap. 10.

De decem-viris legibus scribendis.

FOR the better administration of justice, the d *Romans* appointed three men, namely, e *Sp. Posthumius*, *Ser. Sulpitius*, *A. Manlius*, to goe to *Athens*, and other *Grecian* cities, there to peruse the *Grecian* lawes, to the intent that at their return, both a supply might bee made of those lawes that were wanting in *Rome*, and the other which were faulty, might thereby be rectified and amended. At the returne of those three men, the Consuls were deposed, and both their authority and ensignes given unto b ten men newly elected for the government of the state, and were thence called *Decemviri*. The first elected into this Decemvirat were, *Ap. Claudius*, *T. Genutius*, *P. Sextius*, *Sp. Veturius*, *C. Julius*, *A. Manlius*, *Ser. Sulpitius*, *P. Curiatius*, *T. Romulus*, *Sp. Posthumius*: all of them such as had born the office of a *Consul*. The laws which they brought from *Athens* were written at first in ten tables of brasse: afterward two other tables were added, at which time those laws began to bee known and distinguished from others by the name of *Leges 12 tabularum*. And according to those laws justice ever after was administred to the Roman people at first by these ten men appointed thereunto, whose authority was as large even as the Kings and Consuls in old time, only it was annuall. One of them only had the ensignes of honor carried before him, one alone had the authority of convocating the Senate, confirming

d Fenest. de magist. Rom. cap. 14.
e Rosin. lib. 7. cap. 9.
f Lipsi. Reg. Leg.

firming their decrees, and the discharge of all state-business. [g] The other did little differ from private men in their habit, only when the first had ruled a set time, the others succeeded by turnes. This kinde of goverment did not continue long in *Rome*, for in the third yeare all their power was abrogated, because of their tyranny and oppression used by them towards the Roman people.

g Rosin. antiq. Rom. l. 7. c. 19

Cap. 11.

De Interregia potestate.

[h] After the death of *Romulus* the Senators divided themselves into severall companies called *Decuriæ*, committing the government of the kingdome to that *Decury*, that is to those ten men, upon whom the lot fell, calling them the *Interreges*: where wee must know, that these tenne did not rule altogether, but each man ruled for the space of five daies, whence [i] *Rosinus* calleth this magistracy *Magistratum Quinquedianum*. After that five daies government had passed through the first, then did they goe to lots to have a second *Decury* chosen, and so a third, &c. This office of an *Interrex* remained even in the Consuls time, so that if by some extraordinary occasion the Consuls could not bee created, [k] then they chose one, to whom alone they committed the whole government of the kingdome, and him they called *Interregem*.

h Dion. Halic. l. 2.

i Rosin. lib. 6. cap. 16.

k Alex. Gen. dier. l. 5. c. 6.

Cap. 12.

De Dictatore.

WHensoever the *Romans* found themselves encumbred with dangerous warres, or any other eminent dangers, they presently chose a *Dictator*

to

to whom alone was committed the authority and rule of the whole kingdome, differing from a King onely in respect of his name, and the continuance of his office. Touching his name he was so called, *quoniam dictis eius parebat populus.* His office continued but six months, and at the expiration thereof, if need required, he was chosen again for another six months. He was also called [i] *Populi Magister*, in as much as none could make their appeal from him unto the people. As soon as himselfe was established in his office, he chose a subordinate officer, whom he called [k] *Equitum Magister*; his authority much resembled his, whom they called *Vrbi Praefectum*: for as the *Praefectus urbis* in the absence of the King, so this *Magister equitum* in absence of the *Dictator* had full and uncontrolable authority of doing what he would.

i Pighius in Tyran.

k Stadius in Flor. l. 1. c. 11

CAP. 13.

De Tribunis militum.

THese [l] military *Tribunes* were of two sorts: The one had all power and authority, which belonged unto the Consuls; and thence were called *Tribuni militum consulari potestate*. The occasion of them was this: The protector of the commons called *Tribuni plebis*, did earnestly labour that the commonalty might bee made as capable of the Consular dignity as the Nobility: This was followed so hot, that in the end though the Nobility would not grant them way unto that dignity under the name of *Consuls*, yet in effect they would grant it them. Namely the *Consuls* should be deposed, & in their steed other Magistrates should be chosen; part out of the Nobility, part out of the commonalty, who though they were not called *Consuls*, but *Tribuni* yet were they of Consular authority: by which they were distinguished from the other sort of Military *Tribunes*, who had power and authority only in matters military, and were known

l Rom. antiq. l. 7. c. 19.

known by the name of *Tribuni militum* without any addition. [a] Sometimes there was one of these three words prefixed, *Rutuli* or *Rufuli*, *Suffecti* and *comitiati*; not thereby to intimate unto us any distinction of office or place, but to signify their manner of election. For if they were chosen by the *Consuls*, then were they called *Tribuni Rutili*, or *Rufuli*, because they had their authority confirmed unto them by vertue of an act or law preferred by *Rutilius Rufus*, when he was Consul. If they were chosen by the souldiers themselves in their camp, then were they called *Tribuni suffecti*, that is, *Tribunes* substituted or put in the place of another. Whence we may conject, that the souldiers were not permitted to make any election, but in time of need, when their former Tribunes were taken from them by some violent or unnaturall death. The last sort called *Comitiati*, were so called because they were chosen by the Roman assemblies called in Latine *Comitia*. They were termed *Tribuni*, because at the first institution of them (whether wee understand the Consular *Tribunes*, or this latter sort) there were but three of each. In processe of time notwithstanding I finde the number not only of those *Consular Tribunes*, [b] but of those other also to have been encreased to six, accordingly as the thousands in a legio were multiplied. These later sort of *Tribunes*, in respect of their military discipline, which was to see the souldiers being faulty to be punished, wee may english Knights Marttiall. In respect that their authority was over foot-men only, we may english them Sergiants maior: only this difference there was, to every thousand of foot-men in any legion, there were as many millitary Tribunes under their chief commander called *Imperator*. But in our english armies there is but one Sergiant Maior, who alone under the L. Generall hath command over all the foot-men, bee there never so many thousands.

[a] Alex. Gen. dier. l. 6. c. 18

[b] Rosin. antiq. l. 7. c. 20.

CAP.

Cap. 14.

De Triumviris Reipub. constituenda.

THis tyranny of the *Triumviratus* began by a conspiration between *Augustus Cæsar*, *Antonius*, and *Lepidus*. For these three under the pretence of revenging *Iul. Cæsar* his death, obtained chiefe power and authority for the space of five yeares throughout Rome, [p] pretending that they would settle the common wealth, which at that time by reason of *Iul. Cæsars* death was much out of order. Those five yeares being expired, they refused to resigne their authority, exercising excessive cruelty towards all the *Romans* of what degree soever. [q] This kinde of government remained but ten yeares, neither ever were there any other then those three aboue named. They had power to enact any new law, to reverse any former Act, without the consent of the Senate or Commons. They might proscribe and banish any Roman at their pleasure, and as often as we read *de Triumviratu* simply without any adjunction, or *de Triumviratu Senatus legendi*, we are to understand it of this, though some upon unsure grounds doe disjoyn them.

[p] Fenest. de mag. Rom. cap. 21.

[q] Suet Octau. Aug. cap. 27.

Cap. 15.

De Quæstoribus Ærarii.

THIS office of the *Quæstors* seemeth not unlike to a publique Treasurer's, which collecteth the subsidies, customes, mony, yearely revenewes, and all other paiments belonging to any state or corporation. And hence [r] *quoniam publicæ pecuniæ quærendæ præpositi erant*, they took their name *Quæstores*: Sometimes they are called *Quæstores Vrbani*, to distinguish them from the Provinciall *Quæstors*, which

[r] Fenest. de Rom. magist. cap. 3.

which bare office in the *Roman* Provinces: ſometimes they are called *Quæſtores erarii*, to diſtinguiſh them from thoſe that were called *Quæſtores parricidii*, or *rerum capitalium*, of which you may ſee more in the tract *de Prætoribus*. [z] Laſtly they were called *Quæſtores erarii*, to diſtinguiſh them from the *Tribuni erarii*, i. thoſe Martiall treaſurers, or Clarks of the band, which did receive the ſouldiers pay from theſe city treaſurers, and ſo pay it to the ſouldiers. The office of thoſe city-Treaſurers (then being at firſt but two) was to receive all the city accounts; to diſburſe at all occaſions of publike expenſes; to take an oath of him that the ſouldiers had ſaluted by the name of *Imperator*, that hee had truely informed the Senate both of the number of enimies ſlain, as alſo of the number of citizens loſt: otherwiſe he might bar the Emperour of his triumph. Moreover whatſoever ſpoiles were taken in war, they were delivered up unto theſe City *Quæſtors*, and they ſelling them, laid up the mony in the great Treaſure-houſe called *Ædes Saturni*.

[z] Sig. de jur, Rom. l. 2. c. 8.

Cap. 16.

De Tribunis Plebis.

THE [a] *Roman* Commonalty finding themſelves oppreſſed by the wealthier ſort, departed unto the *Aventine* mount, threatning the Roman Nobility, that they would forſake the city, and never againe adventure themſelves in warre for the defence thereof, unleſſe they did finde ſome releaſe and eaſement from thoſe exceſſive payments of uſe & intereſt unto their creditours: yea beſide the remiſſion of their preſent debts, before they would returne unto their city againe, they would have certain Magiſtrates choſen, which ſhould be [x] *Sacro-ſancti*, that is, ſuch as might not be hurt or violently uſed, not ſo much as in word: and if any had violated that law, whereby they were made *Sacro-ſancti*

[a] Roſin epit rerum Rom.

[x] Roſin. antiq. l. 7. c.

ſanctii, then was he accounted *homo ſacer*, that is, an excommunicate perſon, or ſuch an one whoſe ſoul ſhould be vowed unto ſome God; inſomuch that if any after had killed him, he ſhould not be liable unto judgement: [y] *quoniam illius anima diu devota amplius humani commercii non ſit.* To thoſe Magiſtrats the protection of the commons was committed, who becauſe they were at firſt choſen out of the *Military Tribunes*, therefore did they alwaies retain the name of *Tribunes*, being called that they might be diſtinguiſhed from the others, *Tribuni plebis*, Protectors of the commons. At the firſt inſtitution of them they were in number but two, as [z] ſome have thought: [a] others ſay five: afterward (as it is yeelded by all writers) they increaſed unto ten: Their authority at firſt conſiſted chiefly in this, that they had power to hinder any proceedings in the Senate, which they thought might prove prejudiciall unto the commons, ſo that they had not authority to enact any new decrees, as afterward by abuſing their authority they did. [b] *Sed eorum authoritas magis in intercedendo quàm iubendo.* And hence was it that in old time theſe protectours of the commons were not permitted to come into the Senate: but [c] they ſate without at the dore, whether what ſoever was determined within the Senate was ſent unto thē to be peruſed by them, & if they did approve it, then did they ſubſcribe a great Roman T. being the firſt letter of this word *Tribuni*. [d] The houſes of theſe Tribunes ſtood open night and day, as a common refuge or place of ſuccour for all that would come; [e] neither was it lawfull for them to be abſent out of the town one whole day throughout the yeare.

[y] Alex. Gen. dier. l. 6. c. 14. Roſin. antiq. l. 7. c. 23.

[z] Pighius in ſuo Tirannifug.

[a] Pomp. Læt.

[b] Stadius in Flor. l. 3. c. 2.

[c] Pigh. in ſuo Tirannifug.

[d] Roſin. ant. Rom. l. 7. c. 23

[e] Pigh. in ſuo Tyrannifug.

CAP. 17.

De Ædilibus, & Præfecto annonæ.

WE may read of three ſorts of Roman Magiſtrates called *Ædiles*, the two firſt had their name *ab ædibus curandis*, having in their charge to repaire

both temples and private dwelling-houses which belonged unto the city. The first sort were called *Ædiles curules*, à *sella curuli*, from the chaire of state, wherein it was permitted them to ride, & these were chosen [f] out of the *Senators*. The second sort were called *Ædiles plebeii*, and they were added unto the former at the earnest suit of the Commons, they being to be chosen out of them. Where we must note that they were not so added, that both sorts should rule at one and the selfe same time, [g] but that the *Curules* should rule the one yeare, and the *Plebeii* the other. To these *Ædiles* it did belong, besides the reparation of Temples and private houses, to look unto the weights and measures in common sale: for they had power to examine *Actiones redhibitorias*, that is, such actions, by vertue of which hee that had sold any corrupt or sophisticated wares, was constrained to take them againe. Moreover they had the charge of the publike conduit or water-conveiances, of provision for solemne plaies, &c. Of the third sort there there were also two, who were in a manner Clarks of the Market: [h] For unto them belonged the looking unto the victuals sold in the market, and corne: Whence they were called by them *Ædiles cereales*, and [i] by the Greeks ἀγορανόμοι. This office, for ought that can be collected out of those that treat of it, differreth but litle from his, whom the Romans called *Annona præfectum*, only this, the *Ædiles Cereales* were *Magistratus ordinarii*, the *Præfectus extraordinarius*, namely, [k] such as was chosen only in time of extraordinary dearths: he having for that time larger authority then those ordinary clarkes of the market. For as it appeareth by *Rosinus* in the place now quoted, this *Præfectus* had power of himselfe to examine all such cases or questions as should arise touching the dearth: as suppose the hoarding of corne, forestalling the market, &c.

f Philet. in l. 2. Cic. epist. fam. 10.

g Alex. Gen. dier. l. 4. c. 4.

h Alex. Gen. ibid.

i Pighius in hyp. tyrannif.

k Rosin. antiq l. 7. c. 38.

CAP.

CAP. 18.

De Triumviris.

BEside that *Triumviratus Reip. constituendæ*, of which we spake before, there were divers kindes of *Triumviratus*, namely *Triumviri capitales*, three high Sheriffes, who had the charge of prisons, and were to see malefactors punished: for which purpose eight *Lictors* did attend them. There were also [l] *Triumviri Mensarii*, three men, we may terme them Bankers, who had authority to pay out of the common Treasurie poore mens debts. Sometimes there were appointed five to this office, whence they were called also [m] *Quinq; viri Mensarii*, both being called *Mensarii* from *Mensa*, a table, whereon they told their mony. Another sort of *Triumviri* there were appointed to presse souldiers, whence they were called *Triumviri conquirendi iuvenes idoneos ad arma ferenda*. We read also of certain *Triumviri*, which were elected as chiefe captaines to guide and conduct the people in transplanting colonies, and thence were they named *Triumviri coloniæ deducendæ*; but sometimes for this purpose they elected seven, ten, or twenty, and so named them *Quinq; viri, Septemviri, Decemviri*, and *Viginti viri Coloniæ deducendæ*. Three other sorts of *Triumviri* remain, which were officers of small account, as the *Triumviri monetales*, three Masters of the Mint, who thence were called *Triumviri, A. A. Æ. F. F.* that *Auro, Argento, Ære, Flando, Feriundo*, for they had the charge of coining the mony. Secondly, *Triumviri valetudinis*, Three-Pest-men, which were to oversee those that lay infected with any contagious sickness. Thirdly, [n] *Triumviri nocturni*, three Bell-men which were to walk the town at night, and to give notice of fire.

l Alex. Gen. dier. l. 3. c. 16.

m I. Camerar. in orat. Cic. pro Flacco.

n Alex. Gen. dier. l. 3. c. 16.

Cap. 19.

De Præfectis Ærarii.

Augustus Cæsar desiring for the better safety of the City, to maintain many bands of souldiers, which should alwaies bee in readinesse for the defence of the City, desired of the city an yearely subsidie for the maintenance of those souldiers: but being denied it, he built a certain Treasure-house, which he called *Ærarium militare*, whereinto he cast his mony for himselfe, and *Tiberius*; and promised to doe so every yeare. Afterward when hee saw the Treasury not to be enriched enough, either by that mony which himselfe bestowed, or by the contributions of others he appointed that the twentieth part of al inheritances and legacies (except it were to the next of the kin, or to the poore) should fall unto this Treasury. For the charge & custody hereof he appointed three of those souldiers which alwaies attended about him for the safegard of his person, calling them *Præfectos Ærarii*.

Cap. 20.

De Præfecto Prætorio.

ALL Captaines and Governours to whom the rule of any army belonged, were in ancient time called [o] *Prætores*: This word *Prætor* signifying then three chief officers among the Romans: first a Consul, secondly, a L. chiefe-Iustice, thirdly, a L. Generall in war; all of them being called [q] *Prætores, quasi Præitores, quoniam iure & exercitu præibant*. Answerable to which threefold acception, this word *Prætorium* hath three severall significations: sometimes it signifieth a Princes place or mannour-house, sometimes a great

[o] Pancirol. in notitiam imper. orient. c. 5

[p] Pighius in Æquipet. compos.

great hall or place where judgement was wont to be given; and lastly the L. Generall his pavilion in the camp; [q] from which last signification it is, that those souldiers that give attendance about that pavilion for the gard of their Captaines person, are sometimes called *Milites Prætoriani*, sometimes *Cohors prætoria*: [r] and hee to whom the oversight of these souldiers was committed was thence called *Prætorius præfectus.*

[q] Asconius in Verrinam.

[r] Fr. Sylv. in Catil. 2.

Cap. 21.

De Advocato fisci.

FOR the right understanding of this office, wee must first note a difference between these two words, *Ærarium*, and *Fiscus*. *Ærarium* was a common treasury belonging unto an whole state or corporation, whence all publike and common expences are to be supplied. *Fiscus* was the Kings or Emperours private coffers: it may bee englished the Kings Exchequer. The keeper thereof was called *Advocatus Fisci*. There are many other petty offices within the city, which I have purposely omitted, because there is but seldome mention of them in old authors, and as often as they are mentioned, their names doe explain their office.

Cap. 22.

De præcipuis Magistratibus provincialibus.

OVer the Provinces at first ruled certaine Magistrates sent from *Rome*, by commission from the Roman Senate, called *Prætores*, whose office was to administer justice unto the Provincials inhabitants, yea and if occasion served, to make war also upon their enimie, and this was the reason that the number of the *Prætors* did so increase alwaies

alwaies, namely accordingly as the number of Provinces did encreaſe. The wars and tumults in the Provinces ſometimes were ſo great, that the *Prator* was not ſufficient both to manage war and execute juſtice: whereupon the Senate thought fit to ſend another magiſtrate into the Provinces, whom they called a *Conſul*, becauſe properly the managing of war belonged unto the *Conſul*, ſo that there were at firſt two ordinary Provinciall Magiſtrats, a *Conſul* to manage war, and a *Prator*, or L. chiefe-juſtice to ſit in judgement. And if theſe two by a ſecond grant from the *Senate* did continue in their office above the ſpace of an yeare, thē were they called *Proconſules, & Propretores*. But in proceſſe of time this cuſtome was altered. For then none could be *Proconſules*, but thoſe alone who had been *Conſuls* in *Rome*: neither could any bee *Proprators*, which had not been *Prators* at *Rome*. Their manner being, that the next year after the expiration of their offices in *Rome*, they ſhould depart into ſome certain Province, to beare the ſame offices again, being not called *Conſules* or *Pretores* as before, but [f] *Proconſules & Propretores*: and for this cauſe alwaies, ſo ſoon as the *Conſuls* had beene created, the *Senate* did appoint certain Provinces for the *Conſuls*, which being appointed, the *Cōſuls* did either agree between themſelves, who ſhould goe to the one, who to the other, and that was termed *comparare provincias*; or elſe they did decide the queſtion by lots, and that was termed *ſortiri provincias*: howbeit ſometimes the *Senate* did interpoſe their authority, and diſpoſe the ſame. Vnder the Emperours the governours of ſome Provinces were appointed by the Senate, and the people, & thoſe were called *Proconſules*, and the Provinces, [g] *Provincia Conſulares*: others were appointed by the Emperours, and they were called *Propretores*, and the Provinces *Pretoria Provincia*. For all this, which hath been noted touching the Provinciall Magiſtrates, it is almoſt *verbatim* tranſlated out of [h] *Roſinus*. To which wee adde this, namely that every *Proconſul* and *Propretor* did u-

[f] Alex. Gen. dier. l. 3. c. 3.

[g] Camerar. pro L. Flacco.

[h] Roſin. antiq. l. 10. c. 24.

ſually

usually choose a Lieutenant such a one as should bee assistant unto him in matters of government; whom they called *Legatum*: So that this word *Legatus* signifieth three severall Magistrates amongst the *Romans*, two whereof may be proved out of *Sigonius*: first that it signified such a Lieutenant, or L. Deputy under a *Proconsul*, or *Proprator* in a Province; secondly, that it signified such a one as is imployed in the delivery of a message or embassage from one Prince or State to another; we commonly call them Embassadors. Lastly it signified a Lieutenant or chiefe Captain in war, whose place was next under the L. Generall. His office at the first institution was not so much to rule or command, as to assist the L. Generall in councell; whence *Polybius* commonly joyneth these two together, πρεσβυτὰς καὶ συμβύλους, that is, *Legatos & Consiliarios*, that the latter word might expound the former. *Lipsi de mil. Rom. l. 2 dial.* 11. Moreover every *Proconsul* and *Proprator* had with them certain Treasurers called *Quæstores provinciales*: These provinciall Treasurers [a] were chosen by the *Roman* people commonly, namely such a number as the number of provinces did require. After the election, they between themselves did cast lots who should goe unto the one, who unto the other provincea: [b] sometimes extraordinarily by vertue of speciall act or decree, this or that speciall man hath obtained his or that Province without any lottery. By the way wee must note, that all Provinciall *Quæstors* could not be called *Proquæstors*, as all Provinciall *Consuls* and *Prators* were called *Proconsules* & *Propratores*: [c] For these only were called *Proquæstores*, which did succeed these provinciall *Quæstors*, when they did either die in their office, or depart out of the Province, no successor being expected from *Rome*: at which times it was lawfull for the *Proconsul* or *Proprator* to choose his *Proquæstor*. Moreover there were beside these *Legati & Quæstores*, [d] other military officers, such as are the *Tribuni militum*, *Centuriones*, *Præfecti*, *Decuriones*, together with other inferior officers, as their Secretaries, Bayliffs, Cryers, Serjants, and such like.

[x] Pomp. Læt. de mag. Rom.

[y] Sig. de jure prou. l. 2. c. 2.

[a] Sig. de jure Prov. l. 2. c. 3.

[b] Sigon. ibid.

[c] Rosin. antiq. Rom. l. 7. c. 45

[d] Sig. de jur. Prov. l. 2. c. 2.

LIB. 1. SECT. 3.

Of the Roman Punishments.

CAP. 1.

Supplicia, Mulcta, Lex Ateria, Tarpeia, Ego eis unum ovem mulctam dico, &c.

TOuching the military punishment, which belonged to military discipline, it shall bee treated of in it's proper place. Here only of the City discipline, and the usuall punishments exercised therein, which we may divide thus. Punishments publikely inflicted on malefactors are either *Pecuniary mulcts*, or *Corporall punishments*; the *Pecuniary mulcts* were of two sorts; either an appointed summe of mony was required of the party guilty, and then it was called *Mulcta*: or his whole estate was seased on, and then it was termed a *Confiscation* of his goods. The *Mulct* was twofold, the one termed *Mulcta suprema*, the other *Mulcta minima*. Of both these [a] *Gellius* writeth thus: *Suprema mulcta erat duarum ovium, & triginta boum, pro copia scilicet boum, & pecuria ovium: sed cum ejusmodi mulcta pecoris, armentiq; a magistratibus dicta erat, adigebantur boves oves q; alias pretii parvi, alias majoris aeq; res faciebat inaequalem mulctae punitionem; idcirco postea lege Ateria constituti sunt*

[a] Gellius. l. 11

sunt in oves singulas aris deni; in boves aris centeni: Minima verò multa fuit ovis unius. Moreover as he observeth in the same place, whensoever the Magistrate did see a fine or mulct upon the offenders head, he used the word *Ovis* in the Masculine gender, as *Ego ei unum ovem pro illum dico, &c.* The law which *Gellius* calleth *Aterium legem*, [p] *Festus* calleth *Legem Tarpeiam*, because *Aterius* enacted it, when he was Colleague or fellow-Consul with *Tarpeius*. Likewise wee may take notice of the elemency used in those times. It was provided by the law, that seeing there was greater plenty of Oxen then of sheep & to be fined an Oxe, was not so much as to be fined a sheep, therefore the Magistrate pronouncing the fine [c] *Bovem prius quàm Ovem nominaret, ut innotesceret Romanis mitiores semper pœnas placuisse.*

[p] Festus in voce peculat.

[c] P. in l. 18. c 3 It. Alex. ab Alex. l. 3. cap. 5.

Cap. 2.

Capitis diminutio, maxima, media, minima. Aqua, & Igni interdici. Proscriptio, Lata fuga, Deportatio, Relegatio, Servitus, Ærarii, In ærarios relati, Religatio, Lanii cum tintinnabulis.

THE corporall punishments are either such as were *Capitall*, depriving a man of his life: or *Castigatory*, such corrections as served for the humbling and reforming of the offender, or for the destroying of him. *Capitall* punishments were sometimes taken in a civill acceptiō, for the losse of freedome, which the Romans called *capitis diminutionem*, Disfranchising, because in every Free-man thus disfranchised, one head of the corporatiō was as it were cut off: sometimes it is taken for the losse of ones life, & this they called *Ultimum supplicium*. That disfranchising called *Capitis diminutio*, was [d] threefold. *Maxima, Media, & Minima*. The lest degree was, when the *Censors* pulled a man frō

[d] Rosin. antiq. lib. 9. c. 3.

an higher Tribe, downe to a lower and leſſe honourable, or when by any cenſure they diſabled a man from ſuffraging, or giving his voice in the publique aſſemblies: ſuch as were thus in the laſt manner puniſhed, were tearmed *Ærarii*, and *In ærarios relati: e quia omnia alia jura civium Romanorum, præterquam tributi & æris conferendi amiſerunt.* This kinde of puniſhment, as it may ſeem, was many times exerciſed for irreverend geſture, or ſpeeches uſed by ſuch as were queſtioned by the *Cenſors*. Three ſeveral examples are noted by f *Gellius*; the laſt is this: *P. Scipio Naſica*, and *M. Pöpilius* being *Cenſors*, taking a view of the *Roman* knights obſerved one of them to have a lean ſtarveling horſe, himſelfe being fat, and in good plight, whereupon they demanded the reaſon why his horſe was ſo lean, himſelfe being ſo fat: his anſwer was, *Quoniam ego, inquit, me curo; equum Statius meus ſervus. Diminutio media*, was an exilement out of the City, without the loſſe of ones freedome: g It was commonly ſet down in this form of words: *Tibi aqua & igni interdico*. And it ſeemeth by h *Cœlius Rhodiginus*, to be all one with that kind of baniſhment, which the *Romans* called *proſcriptio*, though it cãnot be denied, but that *Proſcriptus* ſome times ſignifieth only ſuch a one, whoſe goods are ſet at ſale to ſatisfie his creditors, becauſe he will not appeare in the Court: the form thereof is thus, The creditors having obtained leave of the Lord chiefe-Juſtice to proceed in this manner, they cõmitted the ordering of the ſale to one principall Creditor, and he was called ſimply *Magiſter*, and hee in the name of all the reſt ſolemnly proclaimed in the chief places of the city in form as followeth, i *Ille debitor noſter in eiuſmodi cauſa eſt, ut bona eius divendi debeant, nos creditores patrimonium eius diſtrahimus: quicunq; emere volet, adeſto.* But for the reconciling of both opinions, we may terme the firſt to be *Proſcriptionem hominum*: the other *Proſcriptionem bonorum*: which diſtinctiõ being not obſerved, breedeth a great confuſion in the Authors that treat of this puniſhment, and becauſe

e Sig. de jur. Rom. l. 1. c. 17

f A. Gel. noct Attic. l. 4. cap. 7.

g Camerar. in orat. Cic. pro Muræn.

h Cœl. Rhod. l. 15. cap. 17.

i Roſin. antiq. l. 9. c. 12.

because both were performed by solemn and publique proclamations, hence the name *Proscriptio* agreed as well to the goods confiscated, as to the persons banished: according to that, [k] *Quoniam eorum nomina in publico scribebantur, hinc proscribi dicebantur*. Hence the [l] *Grecians* used not onely the word ἀναγράφειν, but also καταγράφειν, to signify the act of *Proscription*, because they wrot in a publique pillar the faults and offences of such as were thus banished. But to proceed without farther digression. *Diminutio maxima* was the losse both of the city, and the freedome; and this I take to be the same which in other termes was called *Lata fuga*, or *Deportatio*, namely a perpetuall exilement: all standing in opposition to that other kind of banishmẽt, called *Relegatio*, which was the exilement * only for a season, happily for five yeares &c: see *C. Rhod. lib.* 12. *c.* 5. though I deny not but that *lata fuga* was so called not only in respect of the duration of time, it being a perpetuall banishment, but also in regard of the places so generally prohibited, [m] for he that was thus banished, was tied and limited to one peculiar country, all other places in generall being forbidden him. Those punishments that deprived of life in ordinary use, and of which there is most frequent mention in *Roman* Authors, are these which follow. *Furca, Crux, Carcer, Culeus, Equuleus: de rupe Tarpeia deiectio Scala, Gemoniæ, Tunica, Damnatio in gladium, in ludum, ad bestias*: In general we are to note, that the execution was without the gates of the city, to prevent the noysomnesse which such abundance of blood might occasion, [n] for which reason the executioner dwelt without the city. Likewise those that were adjudged to death, whẽ they went to the place of execution, a certain litle bel was tied about them, that by the sound thereof, the people might beware of touching the condemned person, because the very touch of him was counted a kinde of pollution: this [o] *Turnebus* observeth out of *Zonaras*: and from hence the executioners are called [p] *Lanii cum tintinnabulis*. And for this reason [q] it was, that a litle bell

[k] Fr. Matur. in Philip. orat. 5.
[l] Suidas in voce σταυ.

* Adde quod edicto quamvis immite minaxq; Attamen in pœnæ nomine lene fuit; Quippe relegatus, non exul dicor in illo, Ovid. de trist lib. 2. Eleg. 1.

[m] Tholosan. syntag. jur. universi. lib. 31.
[n] Plaut. Cas. 2. 6.
[o] Turn. adv. l. 11. c. 21.
[p] Plaut. pseud. 3.
[q] Rosin. antiq. l. 10. c. 29.

bell and a scourge was hanged up in the hindmost part of the chariot, wherein the Lord generall did ride in his triumph, a publike officer which ridde with him in the same chariot, now and then plucking him behinde, and bidding him looke back, using this forme of words, [r] *Respice post te, hominem memento te*, that is, Sir look behinde you, remember your selfe to be but a man. For the sight of the scourge and bell served to put him in mind, that notwithstanding his present triumph and acclamations, his after-miseries might be such, that he might be punished not only with whips, but even with death it selfe.

r Tertul. Apolog. cap. 33.

Cap. 10.

Furca, Furcifer. Supplicium more Maiorum, quesitum.

ANcient authors which doe write of the *Roman furca* doe rather mention it, then explain it; but if wee diligently observe what they speak of it, wee shall finde the use thereof to have been three-fold. The first ignominious, which [a] was whe the maker forced the servant for small offences *furcam circa urbem ferre*, to carry this *furca* upon his shoulders about the city, confessing his fault, and admonishing others to beware of the like offence, & [b] hence such a servant was afterward called *furcifer*; & here I think was use of those *stimuli* or goades, whereof I shall speake more in the chapter following; namely that when the party thus to be punished dragged back, and shewed himselfe unwilling, then did the executioner prick him forward with these kinde of goades. The second sort was penall, when the party having the *furca* on his neck, was led up and downe the Cirque, or some publique place, and on the way to bee whipt but not unto death; [c] thus *C. Matienus damnatus sub furca din virgis cæsus erat, & sestertio nummo venit.* He was after-

a Isidor. orig. l. 10.

b Plutarch. in Coriol.

c Epit. Livii, dec. 5. lib. 6.

afterward sold, & therefore died not under the punishment. The third sort was penall too, but in a higher degree, namely, when the malefactor having his head fastned to the *furca*, was whipt under it unto death by; and this was by a peculiar name called *Supplicium more maiorum*. This yet differed from that beheading with an axe, which was in use among the *Romans*, and called by the *Greeks* ἀποκεφαλισμὸς from κεφαλὴ signifying an axe or hatchet; it differed by so much from this, because how soever there were in this ἀνασκολοπισμὸς, i. e. tying the party to a stake, or post, and also μαστίγωσις, a whipping, in both which it agreed with the former punishmēt; yet herein they differed, because in the former they were whipped to death, in the latter they were after their whipping beheaded with an axe, as appeareth by the execution of *Antigonus* the king of the Jewes. But to proceed in the description of the *furca*, the form thereof I take to be like the beame of a wayne unto which the yeakes are fastned; it resembleth a fork, & the *furca* is called ξύλον διχάδιον, διχῶνον, δίχελυ, δίχημμα, δίπλεξ, διαστατὸν, geminum, in english a forked piece of timber; there is no such piece throughout the whole waine, as the form of waines is in these dayes, but only the beame thereof. *Plutarch* treating of the *furca*, saith that it is ξύλον τι διχάζον ὑπὸ τὸν ἅμαξαν ὑπόκειται, that is, a piece of timber about the wagon or wayne, wherewith they uphold the beam and he addeth, that what the *Greeks* call ὑποζύγιον and ὑπόζυγιον, the *Romans* call *furcae*: now *Hesychius* describeth ἐπίζυγια to be ξύλα διχάζοντα τὸν ἅμαξαν, that is, the forked piece of timber, which they put under the yoak of the wayne; correct *Plutarch* by *Hesychius*, and for ἅμαξαν read ζυγὸν, and you have in both the description of the beame in the wayne. Some think that *Plutarch* compareth the *furca* to certain forked pieces of timber, wherewith the waine was uphold whiles it was unloaded, but how this can stand with *Hesychius* his description of ἐπίζυγια, I am yet to learn: notwithstanding if we admit this interpretation, that

which

d Sueton. in Ner. 49.

e Dio. lib. 49.

f Plut. in Coriol.

which I would hence infer, is rather confirmed, then any way weakned: namely that the forme of the old Roman *furca* was forked; neither doe there appeare any testimonies so evident to me, as to perswade that among the ancient *Romans* any other was in use. True it is, that in after ages the form thereof was the very same with our Gallowses which are now in use, and this happily began, when the use of crucifying was interdicted, which interdiction we read first to have taken place in *Constantines* time.

g Sozom. eccles. hist. l. 1. c. 8

Cap. 4.

Crux. Servile supplicium. Titulus.

CRucifixion hath been a punishment in ancient use among the Romans; it was abrogated by *Constantine*. It was a death that commonly servants were sentenced unto, seldome times free-men, whence it is many times noted out by the name of *servile supplicium* by *Tacitus*: yet b sometimes free men, though of the baser sort, and for notorious offences were adjudged to this kinde of death: nay a cleer example hereof we have in that * Guardian which *Galba* crucified, for poisoning his ward, for the Guardian calling for the benefit of the law, & avouching in his plea, *That he was a Roman citizen*; *Galba* as if he would allay his punishment with some comfort & honour, commanded the crosse already made to be changed, and another to be rear'd far higher then the ordinary, and the same laid over with a white colour. Those, which were thus to be punished, they bore their crosse upon their shoulders to the place of execution. i *Malefici cum ad supplicium educuntur, quisq; suam effert crucem.* k *Artemidorus* is as plaine, Ἐστὶ γὰρ ὁ σταυρὸς ὅμοιος θανάτῳ, καὶ ὁ μέλλων σταυροῦσθαι, πρότερον αὐτὸν βαστάζει, that is, The crosse is like unto death, and he which was to be crucified did first beare it. The party that suffered this kind of death was first stripped

b Vid. Lipsi. de cruce l. 1. c. 11.
* Suet. Galb. 9

i Plut. de sera numinis vind.
k Vid. Lipsi. de cruce. l. 2. c. 5.

ped of all his cloathes, for he suffered [l] naked; then was hee fastned unto the crosse and that commonly with nailes, the Greek word προσήλωσε cleerly evinceth as much, wee may render it *Clavifixio*. Now that the equity of the proceeding might clearly appear to the people, the cause of his punishment was written in capitall letters, hence [m] *Dio* speaketh of a servant drag'd to the crosse, μὲ ζ γεγραμμένην τὴν αἰτίαν τῆς ἐπ' αὐτῷ τιμωρίας, that is, with letters declaring the cause of his death. This inscription was called αἰτία, *Mat.* 27.37. It was also called τίτλος, *Joh* 19,19. from the latine word *titulus* used in the same sense. And sometimes ἐπιγεγραμμένη αἰτία, *Mar.* 15.26. or simply ἐπιγεγραμμένη, *Luc.* 23. 38. [n] *Tertullian* & [o] *Suetonius* call'eth it *elogium*. The like kind of publishing the cause, either by an inscription, or by the voice of a common crier was not unusuall in other capitall punishments, as *Attalus* the Martyr was led about the Amphitheatre, πίναξ αὐτὸν προάγων, ἐν ᾧ ἦν γεγραμμένα ῥωμαϊστὶ, οὗτος ἐστὶν Ἄτταλος ὁ χριστιανός, i. A table being carried before, in which it was written in Latine, *This is Attalus the Christian*. That of [q] *Suetonius* is not much unlike, *Patrem familias detractum e spectaculis in arenam, canibus objecit, cum hoc titulo, Impie locutus Parmularius*. What is meant in this place by *Paterfamilias* & *Parmularius*, hath been already declared in the chapter of Fenters: Moreover such as were to be crucified, they were also whipt before they suffered. That same *horrendum carmen* cleerely evinceth as much; the parts whereof are two: First [r] *Verbera intra aut extra pomerium*: Secondly, *Arbori infelici suffendito*. This whipping was sometimes *sub furca*, for this † *Valerius* is plain, *Cum servum suum verberibus multatum sub furca ad supplicium egisset*: sometimes *ad columnam*. *Artemidorus* is cleare is this, πρὸς λίθοις κίονι πολλὰς ἔλαβε πληγάς, that is, being tied to the pillar, hee received many stripes. Happily [t] *Plautus* alludeth to the same,

[l] Artimed. lib. 2. 58.

[m] Vid. Lip. de cruc. l. 2. c. 11.

[n] Apol. c. 42.

[o] Suet. in Cal.

[p] Euseb. eccl. hist. lib. 5. c. 1.

[q] Sueton. Domit. cap. 10.

[r] Liv. lib. 1.

† Valer. Max. l. 1. c. 7.

[t] Plaut. Bacc.

Abducite hunc
Intro atq; adstringite ad columnam forsiter.

Yea the ancient [e] *Fathers* say that our blessed Saviour was thus whipt: touching the place or manner the scripture is silent, only that he was whipt it testifieth, & that with scourges. Τὸν δὲ Ἰησοῦν φραγελλώσας παρέδωκεν ἵνα σταυρωθῇ, *Mat.* 27. 26. This fore-whipping I take to bee a matter unquestionable, but that they should be whipt on the way towards the place of execution, I much doubt, much more that they should bee goaded on the way with pricks and goads, by the executioner. That there was [f] *stimulenum supplicium*, a kinde of punishment with pricks and goades is evident, and hence commeth that phrase *Stimulo fodere*, and hence that other phrase of Kicking against the pricks: Parallel to which is that of *Plaut. Truc*, 4. 2. *Stimulos pugnis cædere*. But this kinde of punishment I take to haue been exercised onely by Masters towards evill servants, and that not as preparatory to death, but for their reformation in future times: whence by way of contempt, a servant thus handled was termed *Carnificinum cribrum*, because he had his back so boared with those pricking instruments, that it looked like a sieve full of holes: Otherwise, if we understand it as a punishment imposed by publique authority, we may say, that thereby is denoted a certain punishment, exercised towards theeves in time of their examination, that by the pricking and goading of them the truth might be confessed, * for to that end theeves were thus tortured, and thence were they called *Centrones*, from Κέντρον *Stimulus*. Lastly, wee must remember that these three words *Furca*, *Crux*, and *Patibulum*, are many times used promiscuously, signifying the whole crosse on which malefactors suffered, but in strict propriety of speech, *Furca* signifieth that forked instrument of which we treated in the former Chapter: *Crux*, that erect part of the crosse standing upright: and *Patibulum*, the thwart peice of timber upon the top of the crosse: yet sometimes also *Patibulum* is taken for the *Roman furca*, whence *Patibulatus* and *Furcifer* are used as words equivalent, and in both senses it may

[e] Prudentius Hieronym. Beda. vid. Lipsi. de cruce l. 2. c. 4.

[f] Plaut Mil. 2. 6.

[g] plaut. Most. 1. 1. 1.

* Cœl. Rhod. lect. antiq. l. 30. c. 5.

may borrow its name from *Pateo* to lie open; because as the malefactors hands were spread abroad being fastned to the thwart piece of timber upon top of the crosse: so were they likewise spread abroad under the *Furca*, his two hands being tyed to the two forked ends thereof.

Cap. 5.

Carcer, Ergastulum Tullianum, Robur, Malamansio, Nervus, Columbar, Numella, Codex.

HOwsoever *carcer* and *ergastulum* are used promiscuously by modern writers, yet if we diligently enquire into each words origination, and how they have been used by more ancient Authors, wee shall finde them thus differenced: *Ergastulum* was a prison much resembling our house of Correction, into which servants only were cast: *Carcer* a more publique prison, unto which men of better rank and fashion upon just occasion were committed. Secondly, the power of sentencing any servant to the *Ergastulum*, was proper and peculiar to the Master of the servant, without approbation from publique authority, but the power of committing to the prison called *Carcer*, was onely in the publique Magistrate: Thirdly, *Ergastulum* took away onely the liberty and pleasure of life: *Carcer* life it selfe. The word *carcer* hath his name *à coercendo*, from restraining men of their liberty. [a] It had two principall parts, the one called *Tullianum*, the other *Robur*: besides many other roomes wherein men were kept close prisoners, those two places were assigned for execution. In that which they called the *Tullianum* (we may english it Dungeon) they strangled malefactors. [b] It had its name from *Servius Tullius* a *Romã* king the first inventer & author thereof. Of this *Salust* writeth, *Est locus in Carcere quod Tullianum appellatur, ubi paula-*

[a] Sig. de jud. lib. 3. c. 17.

[b] Sig. ibid.

tim aſcēderis ad lævam circiter duodecim pedes humi depreſſus eum muniunt undiq́ parietes, atq́ inſuper camera lapideis fornicibus iuncta, ſed inculta tenebris, odore fœda, atq́ terribilis eius facies eſt. In that other place which they called commōly *Robur*, ſometimes [c] *Robuſtus Codex*, ſometimes [d] *Cuſtodia ligned*, ſometimes [e] *Italum robur*, (our engliſh phraſe ſtrong hold fitly anſwereth it) they broke malefactors necks by a kind of præcipitation or tumbling them headlong, [f] frō a certain ſtook of a tree faſtned there in the earth; unto this *Tully* alludeth, *Quæro fregeris ne in carcere cervices illi ipſi Vectio:* But more expreſly *Plautus*, [g] *At ego faciam vos ambos in robuſto carcere ut pereatis*; Thoſe that had the chief overſight in ſuch executions were called *Triumviri capitales*, that is high Sheriffs. The whole proceeding is ſet down by *Valerius*, [h] *Mulierem damnatam Prætor Triumviro necandā in carcere tradidit, quam receptam is qui cuſtodiæ præerat, miſericordiā motus non protinus ſtrangulavit: aditum etiam filiæ dedit, ſed diligenter exeuſſæ, ne quid ſibi inferret, exiſtimans futurum, ut inediâ conſumeretur: cùm vero animadvertiſſet, filiam matrem lactiū ſui præſidio ſuſtentantem, rem ad Triumvirum, Triumvir ad Prætorem, Prætor ad conſiliū judicum pertulit, & remiſſionem mulieri impetravit.* It is much cōtroverſed among interpreters, what that kinde of puniſhment was which they termed *Ædium manſionem*, wee may engliſh it little eaſe. Some underſtand hereby a certain deep dungeon, made in the form of a pit or well, called therefore in latine *puteus*; but this as it ſeemeth by that of *Plautus*, was a puniſhment proper and peculiar to theeviſh cookes: [i] *Coqui abſtulerunt, comprehendite, vincite, verberate, in puteum cōdite.* Others underſtand hereby a cloſe priſon, which becauſe of its ſtraightnes & cloſenes they called *arcam*, a cheſt: the uſe of this priſon, was for the ſafe keeping of ſuch who were afterward to be examined of farther matters; though ſometimes other offenders were cast into the ſame. Of theſe priſons *Tully* ſpeaketh. [k] *Subito abrepti in quæſtionem, tamen ſeparan-*

[c] Plau. pœn. 5.3.
[d] Plau. pœn. 5.6.
[e] Hor. lib. 2. od. 13.
[f] Turneb. adv l. 23. c. 21.
[g] Plau. in cur. c. act. 5. ſc. 5.
[h] Valer. l. 5. c. 4.
[i] Plau. Aulul. 2. 5.
[k] Cic. pro Milone.

parantur à cæteris, & in area conjiciantur, ne quis cum his colloqui possit. Another kind of prison there was called Sextritium, thus it is commonly rendred in Latine, but the Greeke word is σεστέρτιον, and accordingly a Turnebus, renders it Sestertium, being of opinion that it was so called from the quantity of ground it contained, namely two acres & a halfe. C. Rhodiginus thinketh that Spoliarium and Sextritium were not places unlike, but herein not he alone, but divers others have been deceived: for Sextritium is apparently a place of b execution, where those were executed whom the Romish Emperours adjudged to death: now whether that Spoliarium were a place of punishment I much doubt. What in Latine we call Spoliarium, that the Greeks termed σκυλεῖον both doe signify primarily litle cels or chambers neer adjoyning to the baths, where such as washed themselves laid up their cloathes: In a borrowed sense both are used to signify chambers and cels adjoyning neere unto the Amphitheatre or fencing place, wherein the fencers did put up their cloathes in time of fight, and because such as were wounded in fight were carried into those chambers, where they languishing with much pain, at last notwithstanding expired for the most part, & that not without much torturing of the Chirurgion, hence such a spittle-house is also called Spoliarium. Thus much Seneca seemeth to intimate, c Nunquid aliquem tam cupidum vitæ putas, ut jugulari in spoliario, quàm in arena malit? Whereby it appeareth, that Spoliarium was not a prison, unto which malefactors were judged, but rather as I said a kinde of spittle-house. Other kind of punishments; there were of a neer likenesse with imprisonments, and casting into the pillory, laying one by the heeles, &c. of these litle is spoken more then the very names; of this sort those that doe most commōly occur in authors, are these. Nervus, Colūbar, Numella, Codex. Nervus is generally thought to resemble our stocks. d some take it to be made of wood, others of yron, e Nervum appellamus ferreum vinculum, quo pedes im-

a Turn. adv. l. 3. c. 18.

b Plutarch. in Galba.

c Sen. ep 94. De spoliario. Vid. Lipſ. Sat. 1. 18.

d Vid. Taubman. in Plau. Aulul. 4. 10.

e Fest. Vid. Lam. in Plau. Aulul. 4. 10.

pediuntur: quanquam Plautus etiam vinciri cervices ait. Two of the laſt ſeem to have ſome reſemblance with our Pillory: *Collumbar* had its name from *Collum*, becauſe the neck was chiefly pained in this kinde of puniſhment. *Nuvella* was alſo a kind of Pillory being ſo called *quaſi* [a] *Nuella, quòd qui eo vinculo conſtricti erant, nuere demiſſoq; capite eſſe cogebantur. Codex* was a certain block or Clog, ſo tied unto the Malefactors, that they uſed it as a ſtool to ſit on: the uſe of this may ſeem to have been only in private houſes, thereby to keep evill ſervants the cloſer to their work, of this *Iuvenal* ſpeaketh. *Sat.* 2.

[a] Turneb. adverſ. l. 23. c. 21

[b] Turneb. ib. *Horrida quale facit reſidens in codice pellex.* [b] *Turnebus* deſcribeth it thus, *Codex eſt lignens ſtipes, quem allegati ſervi qui deliquerant trahebant, cuiq; inſidebant vincti.*

Cap. 6.

Culeum.

THe crime which in Latine we call *Parricidium*, is murder practiſed by Father or Mother towards the children or by the children towards either of the parents. It had in old times a larger exception, ſignifying any murder between man and man, and then it was called *Parricidium, quia parem occiderat*. The word taken in his firſt and proper ſignification, denoted a fact ſo unnaturall, that neither [y] *Solon* nor *Romulus* would determine any puniſhment againſt ſuch offenders, becauſe they thought none ſo wicked as to commit it, and the prohibition it ſelfe might prove a kinde of irritation, to provoke ſome to the commiſſion of the crime, which otherwiſe would never have entred into their hearts: but the wickedneſſe of the aftertimes, enforced Lawgivers to invent a ſharpe puniſhment againſt ſuch unnaturall offences. The puniſhment decreed againſt Parricides in [q] *Senecaes* age, was, that ſuch malefactors ſhould bee ſowed

[p] Cic. pro Sext. Roſcio.

[q] Senec. lib. 5. controv. 4. in fine.

sowed up in a leatherne sack together with serpents, and so cast into the sea; afterward there was sowed up in the same sack an ape, and a cock, and at last a dog. Whence *Juvenal. Satyr.* 8.

Cuius supplicio non debuit una parari
Simia, nec serpens unus, nec culeus unus.

a *Modestus* describeth the manner thereof thus: The Parricide being first whipt with rods untill the blood came, then was he sowed up in this sack called *Culeus*, together with a dog, a cock, a serpent, and an ape. b They would not cast him naked into the sea, least the water thereof thereby might be polluted, wherewith all other pollutions in their opinion, were expiated.

a Digest. lib. 48. ad legem Pomp. de parric. vid. Cœl. Rhod. lib. 11. cap. 21.
b Cic. pro Sext. Rosc.

CAP. 7.

Eculeus, Lumina Ungulæ. Fidiculæ, &c.

Eculeus had its derivation from *Equus*, *quasi Equuleus*, as may be collected from that description which c *Turnebus* giveth: But not so much from the posture or situation of the offenders body on the engine as *Turnebus* would have it, for he in no wise resembled a man on horseback, but rather from the horsing or hoising up of the party fastned with ropes unto the *Equleus*; so that his hands being tied fast at the upper part of the engine, and his feet at the neather part, hee was hoysed up in the ayre like unto one fastned on a crosse. The form of the *Equleus* I conceive thus, It was not one entire stake, but rather two long peeces of timber joyned together in form of a stake, joyned together I say, by the meanes of a vice or scrue; and the reason hereof was that by help of this scrue, the upper part of the engine might be lifted up to the racking and torturing of the malefactor, or let down to the easing and remitting of his paines as should seem good to the executioner, or other Officers, who

c Turnob. advers. l. 4. c. 3.

who now and then would grant some remission and respite in hope of a confession. For in the first institution the maine end of this torture was to work out the knowledge of the truth. Neither did they alone rack the parties ioynts in this kind of punishment, but to enforce him unto a confession by an augmentation of his pain, they did often with hot plates & yron pinsors, burne and teare his flesh from his sides, and all this we shall finde warranted by [d] *Sigonius*, whose words I have written down at large, *Eculeus catasta fuit lignea, cochleata, ad intendendum ac remittendum apta atq; ad torquendos homines ut facti veritas eliceretur instituta. Tormenti verò genus erat huiusmodi, ubi catasta huic brachia pedesq; eius, qui torquendus erat, nervis quibusdam, qua fidiculæ dicebantur alligaverant, tum catasta intenta atq; in altum erecta, ut ex eo quasi ex cruce quadam miser ille penderet, primum compagem ipsam ossium illius divellebant, deinde candentibus eiusdem corpori laminis admotis, atq; bisulcis ungulis ferreis lateribus laniatis do loris acerbitatem augebant.* And thus we see what the use of those *Lamina* and *Ungulæ* were, namely that they were not severall torments of themselves, but adjuncts to this, to encrease the pain. The *Eculeus* was sometimes called [e] *lignum tortorium*: sometimes [f] *stipes noxialis*. The torturing engine called *Fidicula* was not much unlike: *Fides* signifieth the string of any musicall instrument, and the engine had its name from the strings and cords wherewith men were tortured upo it; of this *Turnebus* writeth. *Fidiculæ quæ in tormentis numerantur, mihi videntur lascivia quadam ioci nomen invenisse, quod ut in fidibus nervi item quoq; ut nervi hinc & inde multis funibus homines distendebantur.* The torment [g] *Cuis* used by the *Grecians*, was either this same or very like.

d Sig. de jud. l. 3. c. 18.

e Sozom. hist. Eccl. l. 5.

f Prudent. in hymno Vincent. Martyr.

g Turneb. adv l. 4. c. 3.

Cap. 8.

De rupe Tarpeia diectio. De lapide empti. A furca redempti. Scala Gemonia. Tunica. Damnatio in gladium, in ludum, ad bestias.

MAlefactours for notorious offences were tumbled down headlong from a certain rock in the *Tarpeian* Mount: This kinde of punishment was called either simply *Dejectio è saxo*; or *Deiectio è Tarpeia rupe*. In some cases notwithstanding, by the intercession of friends, or some other meanes, pardons were sometimes obtained for the condemned persons, whereby they were freed from death howsoever the disgrace and infamy cleaved ever after unto thē, and therfore they were termed *de lapide empti*: which phrase [h] *Cœlius Rhodiginus* hath paralleld with that, *à furca redempti*, that is, *saved from the gallowes*. In the *Aventine* Mount was a place of like nature, called *Scala Gemoniæ*: certain staires whither condemned persons were dragged, and so cast headlong into the river *Tiber*. *Rœlius Rhodiginus* seemeth to be of another opinion: [i] who describing this punishment, saith, that an hook was thrust into the malefactors throat, and so he haled by the Executioner unto these stayers, where having his thighs broken he was burnt. Furthermore he addeth, that they were called *Scala Gemoniæ*, or *gradus Gemonii*, because, as some are of opinion, the first that suffered this kinde of punishment his name was *Gemonius*: or as others would have it, because it was *locus gemitus, & calamitatum*. If wee admit that malefactors were here burnt, then may we think this punishment *ad Scalas Gemonias* to be the same, which sometimes was called *Tunica*. The reason of which name was, because persons thus to bee burned, were clad with a coat dawbed in the inside with pitch and brim-

h Cœl. Rhod. ant. l. 25. c. 22

i Cœl. Rhod. l. 10. c. 5.

k Sen. ep. 14

stone. Thence is that of k *Seneca*, *Cogita illam tunicam alimentis igneum & illatam & intextum.* This giveth light to that of *Iuvenal. Sat. 8. Tunica punire molesta.*

l Tertul. ad Martyr.

l *Tertullian* also mentioneth it in this sense. To these may be added two other punishments usually inflicted upon fugitive servants, but yet not so restrained unto them, as that they were not sometimes extended to other malefactors. The first is *Damnatio in gladium*, A condemning one into a fence-schoole, there to be trained up in the art of fencing, untill some publike prizes were plaid at, what time such a condemned person was to fight for his life. m *Capitolinus* calleth it *Ad gladii ludum deputationem:* But *Vlpian*, as o *Lipsius* elsewhere observeth, differenceth these two phrases thus. Hee that was *ad gladium damnatus*, was either presently put to death, or else at farthest within the compasse of an yeare: but he that was *damnatus in ludum*, had not death so peremptorily sentenced upō him, if he escaped the danger of those publike prizes, & alwaies got the upper hand of his adversaries, at three yeares end, he receaved the *Rudem*, or wand, which was a token of discharge from those bloody combats: yea at five yeares end he received the *Pileum*, or cap, which was a token of his infranchisement or freedome in the city. The second sort was *Damnatio ad bestias*, A condemning of a mā to fight for his life with beasts, as with Beares, Leopards, Lions, &c. The persons thus condemned were termed o *Bestiarii*. A memorable example thereof we have in a certaine *Roman* servant called *Androclus*, p who having run from his master lived in a wilderneſſe, and whiles he rested himselfe in a den, there came a fierce Lyon unto him, roaning and grieving because of a stump of a tree which stuck fast in his foot; *Androclus* at first beganne to be affrighted, but the Lion comming neerer and neerer unto him, and laying his foot on the mans lap, intimated his desire of help from him, which when the man perceived he plucked out the stump, and gave him what ease he could. Afterward this fugitive being

m Vid. Lipſ. Saturn. l. 2. c 3

n Lipſi Satur. l. 2. c. 23.

o Alex. ab Alex. l. 3. c 5.

p A. Gel. l. 5. cap. 14.

being apprehended and adjudged to this punishment, it happened that this very Lion was brought into a show-place for *Androclus* to fight with, where instead of a fierce onset, the Lion used a tame and familiar fawning on him, whereupon the spectators admired, and understanding the former passages between *Androclus* & the Lion, they released the servant and freed him from his punishment. Where wee must note that this pardon was extraordinary: [q] for usually if any so condemned happened to overthrow a beast or two, yet was he not thereby discharged, but was to encounter with others untill he were killed. Yea it was very seldome that the man could prevaile against the beast, on the contrary one Lion hath prevailed against two hundred men; according to that, [r] *Praclara edilitas, unus leo ducenti bestiarii.* By which we see many mē one after another did thus fight with beasts at the same meeting: yea the *Graeciani*, called such as succeeded the first combatants [s] ἐσχατους, the Apostle S. *Paul* calleth them ἐσχατους, because they were reserved until the last. [t] *Tertullian* readeth that place in this sense, and the words themselves enforce as much: for what shall we understand by θεατριζομενοι, but the very spectacle or shew it selfe; and what by ἐπιθανατιους, which signifieth properly *Ostendi*, but an allusion to him who was the chiefe author and exhibiter of these bloody spectacles unto the people. † *Lipsius* hath paralleld that phrase of *Tully*, *Ostendere munus*, with that of *Suetonius*, *proponere munus*; both signifying the setting forth or bestowing the sight of such matteries, & fightings. And that it was no unusuall kinde of Martyrdome in times of the primitive Church, thus to expose holy men to the fury and rage of wild beasts, appeareth by the example of *Ignatius*, who rejoyced to be grownd betweene the teeth of wildbeasts, that he might bee found pure bread. Whose words were [x] *Frumentum sum Christi, & per dentes bestiarum molor, ut mundus panis Dei inveniar*: yea the word Ἐπιθανατιος, *morti addictos*, helpeth this interpretation: the word intimateth

q H Salmuth. in Pancirol. de veter. ludis.

r Cic. in orat. pro Sastio.

s Suid. in voce Ἐσχατος.

t 1 Cor. 4 9.

u Tertul. l. de pudicit.

† Lipsi. Satur. lib. 2, cap. 18.

x Iren. adv. hæres l. 5. c. 28 It. Euseb. hist. Eccl. 3. c. 33.

that there was a ſure death remained for them alſo, though the laſt. The cuſtome being in the morning to commit men with beaſts, but thoſe ἀγαλοὶ which remained till noonetide, and were therefore called *Meridiani*, were committed each againſt other, and that without any defenſive weapons, with ſwords in one hand cutting, and with the other hand being empty, graſping and tearing each others fleſh, ſo that [z] *Seneca* ſpeaking of this, comparing it with that former fighting with beaſts, ſaith, *Quicquid ante pugnatum eſt, miſericordia fuit.*

[y] Suet. Claud. c. 34.

[z] Senec. ep. 7.

Cap. 9.

Ergaſtulum. Ergaſtula inſcripta. Piſtrinum. Damnari in Antliam. Metallum. Inſcripti. Stigmatici. Literati. Virgæ. Plagella. Talio.

THE ſtate and condition of ſervants was various and differing among the *Romans* in old time, but of all they were moſt miſerable who lived in priſon. Whence thoſe that were ordinarily imployed in theſe priſon ſervices, they were either ſuch ſervants as were bought for that purpoſe, or ſuch as for notorious crimes were adjudged thereunto in way of puniſhment, whence the word *Ergaſtulum* is juſtly derived from the Greek Ἐργάζομαι becauſe it is τόπος ἐν ᾧ οἱ δεσμῶται Ἐργάζονται: *locus in quo vincti operantur.* For even in the day time when they were ſent forth to work they had ſhackles and bolts about their legs to prevent their ſcapes or running away, though not ſo big as thoſe into which they were caſt at night when they returned into priſon. Their fetters or bolts are oftentimes in ancient writers (peradventure from the form of their links) termed *Annuli*, and themſelves ſaid to have *pedes Annulatos*. They had alſo their forheads marked or burned with ſome letters of infamy, which is the reaſon of *Juvenals* Epitheton, *Inſcripta Ergaſtula.*

Quem

Quem mire adficiunt inscripta ergastula. The labours in which they were imploied, were sometimes digging, delving, and tilling the ground: sometime digging of quarry pits, sometimes grinding with an hand-mill, sometimes drawing water: this latter kinde of punishment in [m] *Suetonius* his phrase is *In Antliam damnari.* Those Criticks who for the word *Antlia* doe substitute *Anticyra*, or *Andia*, or such like names of Ilands, doe utterly faile of the Authors scope, and drift; for the punishment which *Suetonius* speaketh of, is some strange or unusuall punishment: now seeing that Senatours themselves were often exiled, it could not seem strange that *Roman* knights should bee banished into forreigne lands; but this was a matter unusuall, and unheard of, that a *Roman* knight should be imployed in such drudgeries. Again the word *Antlia* fitly denoteth such a kinde of labour, whether we respect its Etymology ἀπὸ τῆς ἀντλεῖν; or its signification in Latine authors, it being used by them to signify a great bucket, or water-scoupe to draw up water. Thus *Martial*, *Curta laboratas antlia tollit aquas.* The handmill is often expressed by the latin word *pistrinum*, a word frequent in Comicall Authors. It much resembled our **Bride-well** or place of correction, being called *pistrinum à pinsendo*, from pounding. For before the use of mills was knowne, the *Romans* did pound their corn in a great morter, calling the place where they pounded it *pistrinum*: whereupon our handmill hath retained the same name to this day. And because of the great paines that men did suffer in pounding, as likewise the strict discipline used towards servants thus punished (for [n] their neck was thrust into a certaine wooden engine called *pausi cape*, made for the purpose lest happily in time of grinding they might eat of the meale) hence grew a custome among them, that when a servant had offended his master, he would menace him in this manner, *In pistrinum te dedam.* I will cast thee into **Bride-well**. The punishment *Metallum* was not much unlike: the diging in metall

[m] Suet. Tiber. cap. 51.

[n] Turn. adv. l. 4. cap. 13.

tall-mines, & working in mettall houses, appeareth not only to have beene a base and servile, but also a very laborious and painfull worke; whence it was esteemed a grievous punishment to be adjudged to mettall works, or cast into a mettall house. And either for the encrease of such mens paines, or for to keep them from escapes, they were enforced to work with their fetters and geives about them, as is implied by

o Vid. Cœl. Rhodig. l. 10. c. 5.

o *Ulpian* who makes the difference between these two phrases, *Damnari in metallum*, and *Damnari in opus metalli*, to be thus; that the first sort did weare heavier and greater fetters then the last. How true the difference is I leave it to the enquiry of others, but that it was a great and infamous punishment p *Tertullian* witnesseth, in that speech of his against the heathen people, *De vestris semper æstuat carter, de vestris semper metalla suspirant*. Sometimes there was onely ignominy and disgrace intended in their punishments, of which sort was the bearing up and down the *Roman Furca* in the market place, or elsewhere in publique view, whereof I have spoken in the chapter of *furca*, likewise a branding of the Malefactor with some infamous letter in his forehead or hand, or some other part of the body: whence q *Plinie* calleth such servants *Inscriptos*. Generally they are called *Stigmatici* from στίζω, which signifieth to brand with markes, As *Nebulo stigmaticus*, a rogue burnt in the hand; or any way marked; sometimes such are called *Literati*. The *Athenians*, being enimies to the *Samii*, as often as they took them captives, they did use thus to burn them for Rogues, which occasioned that proverbiall scomme; *Samiis nemine esse literatiorem*.

p Tertul. apolog. c. 44.

q Plin. l. 18. c. 3.

r Cœl. Rhod l. 7. c. 13.

Sometimes besides the disgrace there was also toilesome paines, as appeared by their *Ergastula*; & sometimes to their paines stripes added: though I deny not, but that many times, correction with stripes was a preparation for death it selfe. This correction by stripes was twofold, either it was *Verberatio*, or *Flagellatio*: the first was with rods called

Virga

Virga, the other with scourges called *Flagella*. That there was a difference between *Virga* and *Flagella*, is plaine by *Tully*, where by way of Irony he saith, *Per iudices virgas ab omnium ciuium corpore amouit, hic nusquam vocem flagelli reperit.* Both of them were counted servile, in that Freemen were ordinarily exempted from them, as appeareth.

Ad necem operire foris, Sunt foris libri? m

Horace also intimating the servile condition of *Meva* saith:

n *Sectus flagellis hic triumvirabilibus.* n

They are called *Flagella triumvirualia*, from those *Triumviri* who formerly I translated sheriffs, because to them belonged the oversight of this punishment. *Eustathius* calleth them ἀγγαλωσὰς μάστιγας, *id est, Flagra alaria, seu taxillata*, because to augment the paines they did usually in these scourges tye certain hucklebones or plummets of lead at the end of the whip-cords or thongs, and such scourges they termed *scorpiones*. The cruelty of these scourges was such that they many times died under them. Thus haue we generally and briefly touched the more usuall punishments. But sometimes wrongs dont between party and party were punished with a retaliation of the same kinde: according to that, *A tooth for a tooth and an eye for an eye*. And this kinde of punishing was called *Talio*. Yet we are to know that a simple retaliation, such as is termed *Talio Pythagorica*, was not alwaies exacted, but sometimes satisfaction might bee wrought by a commutation of the punishment. o *Reus habuit facultatem paciscendi, & non necesse habuit patientem, nisi eam elegisset.* It were endlesse to speak of all their punishments, and happily not worth the labour, their very names being sufficient comments to explain them. As *Effossio oculorum, Amputatio manuum, Crurifragium, Talistagium*, and such like.

m Ter. Adelp act 2 scen. 1.

n Epod. od.

Tholos. in syntag. iur. univers. c. 11. l. 31.

o A. Gel l. 11. cap. 1.

LIB.

LIB. 3. SECT. 4.

Of the Roman Lawes.

CAP. 1.

De Legibus.

HAving ſpoken of the civill Magiſtrates, and puniſhment, we will now alſo deſcend unto the civill law: where firſt we will note among other differences between *Ius* and *Lex* principally theſe; Firſt, *Lex* ſignifieth only the Law, but [a] *Ius* ſignifieth alſo that place, whereſoever the Law or Iuſtice was adminiſtred: not only if it were adminiſtred out of the Tribunal in the *Comitio*, or great hall of Iuſtice, which was termed by the Lawyers, *Agere pro Tribunali*: but alſo if it were adminiſtred in a private houſe or in ones journey, ſo that it were by a lawfull Magiſtrate, and out of the curule chaire; and this was tearmed by the Lawyers *Agere de Plano*: and hence is it, that *In ius vocare* ſignifieth to cite one into the Court. Secondly, *Lex*, ſignifieth only the written law, but *Ius* ſignifieth equity, ſo that [b] *Ius permaneat ſemper, nec unquam mutetur: Lex verò ſcripta ſæpius.* Notwithſtanding theſe two words are uſed promiſcuouſly one for the other, and therefore leaving all curious differences between thoſe words (whether the

[a] Sig. de jud. l. 1. c. 7.

[b] Fr. Sylv. in. orat. pro Mil.

Roman

Romane lawes were truely *Iura* or *Leges*: this much we may observe that the lawes vsed among them were of three sorts; either they were such as were made by *Severall Romane* kings, and afterwards collected and digested into a method by *Papirius*, [e] from whence it was called *Ius Papirianum*: or they were such as the *Decemviri* brought from *Athens*, and were called *Leges 12. tabularum*: or lastly they were such as the *Consuls*, the *Tribuni Plebis*, and such Magistrates did prefer, whence every severall law bore the name of him or them that preferred it. My purpose is to explain onely this latter sort, and that not all of them, but such alone as I have observed in *Tully*, and that chiefly in his Orations. My proceeding shall bee first to shew the divers kindes of iudgements; and then to descend unto the lawes themselves, beginning with those which shall concern the *Romane* religion and then proceeding to the others, which concern the commonwealth.

e Fr. Sylv. in ep virorum illust. l 5. ep. 11.

Cap. 2.

De Iure publico & private.

THE cases to be decided by the law were either publike or private, & accordingly were the judgements, [d] *vel privata, in quibus ius suum privatus quisq; persequebatur: vel publica, in quibus iniuria qua vel ipsi facta erat vindicabatur.* The private (as we observed before) belonged unto the *Praetori urbano & peregrino*, that is, the L. chiefe Iustices, who did either give judgement themselves, and then were they said *iudicare*, or they did appoint others to sit in judgement, and [e] then were they said *Iudicium dare*: in the absence of the *Praetors* there were ten called *Decemviri Stlitibus iudicandis, id est, [f] super lites iudicādas*, who in the same manner as the *Praetor*, might either give judgement themselves, or appoint others, for they were even in [g] one place and

d Sig. de iure Rom. l. 2. c. 18

e Sig. de iud. l. 1. c. 7.

f Rosin. ant. l. 7. c. 29.

g Alex. Gen. dier. l. 3. c. 16.

and instead of *Prætors*. Those which either the *Prætor* or the *Decemviri* did appoint to debate the cases under them, were taken out of the *Centumviri*, that is, [b] out of certaine Commissioners chosen for that purpose, namely three out of every Tribe or ward, so that in all, the number of them amounted unto an hundred and five, but in round reckoning they went for an hundred; and from a certain speare that was wont to be erected up in token of this court, hence was the [i] Court called either *Prætoria Decemviralis*, or *Centumviralis hasta*. In some cases their forme of acquittance was thus: [k] *Secundùm illam litem do*, whence *Tully* saith, *quo minus secundum eos lis detur, non recusamus*, that is, we doe not denay, but they may be acquitted. Those that were cast in their suit, were said, *Litem vel causam cadere*. The publike cases belonged ordinarily (except the *Consuls*, the *Senate*, or the people did interpose their authority) unto those whom we called *Prætores Quæstores*. Some haue thought them to be the same with those, whom *Rosinus* calleth *Iudices Quæstionum* and that I think not altogether upon unsure grounds: first because most of these publique cases which they termed *Quæstiones*, had their [u] severall *Prætors* to enquire them, whence they were called *Quæstores*, & may in my opinio be called *Iudices Quæstionũ*, especially seeing that those which would haue them be different officers, cannot well shew the differences of their offices. Now as the Vrban *Prætor* had an hundred Commissioners under him so had these *Prætores Quæstores* certain Iudges chosen [o] by the Vrban, or forreigne *Prætor*, when he took his oath, and that not according to his pleasure as many as he would, or whom he would but sometimes more, sometimes fewer, sometimes onely out of the *Senators*, sometimes onely out of the order of *Roman* Gentlemen, sometimes out of both, sometimes also out of other orders, [p] according as the law appointed, which oftentimes varied in those points. The Iudges how great soever the number was, [q] were called *Iudices selecti*, & were divided

[b] Per. Ramus. in 2m de lege Agrar.

[i] Sig. de iud. l. 1. c. 28.

[k] Sig. de jud. l. 1. c. 29.

[l] Cic. pro Quint. Roscio

[m] Rosin. ant. l. 2. c. 18.

[u] Sig. de jud. l. 2. c. 4.

[o] Sig. de jud. l. 2. c. 6.

[p] Sig. ibid.

[q] Sig. de jur. Rom. l. 2. c. 18.

vided into severall companies called *Decuriæ*. These Iudges were upon any citation from any of the *Prætors*, to give their assistance in the Court upon the day appointed by the *Prætor*. Now the manner how they did proceed in their judgement followeth in the exposition of one of the Laws, and therefore I will refer the Reader thither. Onely let him by the way understand, that whereas *Tully* is quoted in every law, it is not so much for the proofe of the law, as to signifie that he in that place maketh mention thereof. For the proofe of the laws I refer the Reader to *Rosinus* and *Sigonius*: touching the expositions, my marginall quotations doe prove sufficient.

CAP. 3.

De legibus religionem spectantibus.

Lex Papiria.

L. *Papirius Trib. Pleb.* established a law touching the consecration or hallowing of places, that it should bee unlawfull for any to consecrate either houses, grounds, altars, or any other things *Iniussu plebis*, that is, without the determination of the *Roman* people in their assemblies called *Comitia Tributa*, which determination was alwaies termed *Plebiscitum*. Cic. pro Domo.

Roscia Lex.

L. Roscius Otho. Trib. Pleb. preferred a law, that whereas heretofore the *Roman* Gentlemen did stand promiscuously with the commons at their theatrall shewes, now there should be foureteen benches or seats built for those *Roman* Gentlemen which were worth H.S. *quadraginta*, that is, about 3125*l.* of our English mony. As for other Gentlemen whose substance was under the rate, they had a certain place allotted them by themselves, with a punishment imposed upon them, if they offered to come into any of those foureteen benches. Cic. Philip. 2. Item. pro Muræn.

Here muſt we note that this character H.S. ſtandeth for a ſilver coyne in *Rome* called *Seſtertius*, and is by *Roſinus* in this place improperly uſed for *Seſtertium*. For this character H.S. is by our Printers falſe printed, the true character [r] being L.L.S. ſignifying *duas libras* (as the two L. L. doe intimate) and *Semiſſem*, which is intimated by the letter S. Where if *Libra* doth ſignifie no more then the *Roman* coyn called A.S. then is this opinion touching the character. LLS. eaſie to be confirmed. For divers authors [s] rendring a reaſon of the name *Seſtertius*, ſay it was ſo called *quaſi Semitertius*, that is, ſuch a coyne as containeth *Duos ſolidos aſſes et ſemiſſem*. This *Seſtertius*, was ſuch a common coyn among the *Romans*, [t] that *Nummius* and *Seſtertius* became at length one to be uſed for the other; [u] *Mille huiuſmodi ſeſtertii vel nummi faciunt unum ſeſtertium in neutro genere, et conficiunt plus minus vigintiquinque coronas*. According to which rate, *quadringenta ſeſtertia* amounteth to 3125: and every particular *ſeſtertius* is according to this rate, in value three halfe-pence farthing $\frac{1}{4}$.

[r] Fr. Matur. in Philip. 2.

[s] Chr. Hegendorphius in Venoam c.

[t] P. Nanceius in Verrin. 5.

[u] Ch. Hegendorphius in Verrin. 5. m.

And here we may fitly obſerve the art of numbring by theſe *Seſtertes*, which conſiſteth in three rules. Firſt, if the numerall or word that denoteth the number bee a noune adjective agreeing in caſe, gender & number with the ſubſtative *ſeſtertius*, then it ſignifieth precifely ſo many *ſeſtertii*: for example ſake; *Decem ſeſtertii* doe ſignifie ſo many times 2^{l} *ob* 9^{a} *q*. Secondly if the numerall being an adjective, and of a different caſe, be joyned with *Seſtertium* in the genitive caſe plurall, then doth it note ſo many thouſand *Seſtertii*: For example, *Decem ſeſtertium* ſignifieth ten times 7^{l} 16^{s} 3^{d}. Thirdly if the numerall joyned with *ſeſtertiũ* be an adverb, then it ſignifieth ſo many hundred thouſand *ſeſtertii*, *ex gra: Decies ſeſtertium* doe ſignifie ten hundred times 7^{l} 16^{s} 3^{d}. Yea the numerall being an adverb, is ſometimes but ſimply by it ſelfe, without the addition of any other word to ſignify in the ſame manner, the genitive caſe *ſeſtertiũ* being underſtood

ſtood. For the better conceiving hereof, the former example may be thus ſet down.

Decẽ ſeſtertii.	*valent*	10 *Seſtertios*	*De noſtro*	0000	l	01	l	6	*d ob q*
Decem ſeſtertium.	*valent*	10 *Millia ſeſtertium.*	*De noſtro*	0078		02		6	0 0
Decies ſeſtertium.	*valent*	10 *Centena Millia*	*De noſtro*	7812		10		0	0 0
Decies	*valent*	*ſeſtertium,*							

Clodia lex,

Publius Clodius Trib. Pleb. made a law, by vertue whereof the Prieſt called *Peſſinuntius ſacerdos* (from the place where he did firſt exerciſe thoſe holy rites in the honour of the mother Goddeſſe) ſhould be deprived of his Prieſthood, and the Temple built in the honour of this Goddeſſe ſhould be beſtowed upon *Brotigarus*, of *Gallo Gracia.* Cic. pro Sext. item de Aruſp reſpon.

Domitia lex.

Cn. Domitius Abenobardus Trib. Pleb. enacted a law, that the Colledges of Prieſts ſhould not as they were wont, admit whom they would into the order of Prieſthood, but it ſhould be in the power of people. And becauſe it was contrary to their religion[1], that Church-dignities ſhould be beſtowed by the common people, hence did he ordain, that the leſſer part of the people, namely ſeaventeen Tribes ſhould elect whom they thought fit, and afterward hee ſhould have his confirmation or admiſſion from the Colledge. Cic. Agrar.

Lex incerti nominis de vacatione ſacerdotum.

Cicero in his Orations mentioneth a law (not naming the author thereof) whereby the Prieſts were priviledged from their ſervice in all wars, except only in uproares or civill tumults;[x] and theſe priviledges were termed *Vacationes.* Cic. Philip. 8 & pro Font.

x B. Latomus in Philip. 5.

Cap. 4.

De civitate, & iure civium Rom.

Forcia lex de civitate.

Cic. pro Rab. & ſæpe alias.

M. *Forcius Trib. Pleb.* eſtabliſhed a Law, that no Magiſtrate ſhould beat any *Roman* Citizen with rods.

Lex Sempronia

Cic. pro Cluentio. & ſæpe alias.

C. Sempronius Gracchus Trib. Pleb. preferred a law whereby he diſabled the Magiſtrate from puniſhing any Roman Citizen, either with rods, or with his axe, that is, with death, without the allowance of the people. Secondly, by vertue of this law, if any Magiſtrate did condemn any *Roman* Citizen *Indicta cauſa*, he ſhould be liable to the judgement and cenſure of the people. A third clauſe to this law was, *Ne quis coiret, conveniret, quo quis iudicio publico circumveniretur Indicta cauſa.* Hee was ſaid to bee condemned *cauſa indicta*, which was condemned before he had ſpoken for himſelfe. Although *y Indicere pro non dicere, ſicut & invidere pro non videre vix reperiatur, tamen indictum & inviſum, pro non dicto & non viſo ſæpe reperiuntur.* [z] They were properly ſaid *Coire*, which did work underhand againſt a man, that hee might be condemned; wee may tranſlate it in this place, to conſpire. [a] The verb *Circumvenio* doth commonly ſignifie as much as *Circumſcribo*, to deceive or cheat one: but in this place to oppreſſe one with falſe judgement, procured by bribery or confederacy.

y P. Ramus in orat. pro Rabirio.
z Fr. Sylv. in orat. pro Cluentio.
a I. Camerar. in orat. Cic pro L. Flacco.
b Fr. Silv. in orat. pro Cluentio.
c Pro Balb.

Lex Papia de peregrinis.

The priviledges of the *Roman* Citizens became ſo great, that almoſt all the inhabitants of the confederate nations, would forſake their own dwellings, and uſe meanes to become free deniſons in the *Roman* City; inſomuch that the Embaſſadours of the Allies, and aſſociates, did grieve much and

and complain of the losse of their inhabitants: whereupon a law was made by *Papius*, that all forreigners and strange comers should be expelled out of the City. To the same effect was *Lex Iunia*, and also *Licinia Mutia de peregrinis*: the first being preferred by *Mar. Iunius Pennus*: the second by *L. Licinius Crassus*, and *Q. Mutus Scævola*. Cic. offic. l. 3.

Servilia lex de civitate.

C. Servilius Glaucia preferred a law, *Vt si quis Latinus*, if any of the Latine associates could prove an action of bribery against a *Senatour*, then should he be made a free-man of the City. Cic. pro Balb.

Quis Latinus.] Here wee will observe with [c] *Sigonius*, that the Latine people were not alwaies called *Latini & Italici: sed & socii & Latini socii & socii nominis Latini, & socii nomenq. Latinum, & socii ab nomine Latino, & socii ac Latinum dicti sunt.* [c] Sig. de iur. Ital. l. 1. c. 2.

Sylvani & Carbonis lex de peregrinis.

Sylvanus & Carbo being *Tribuni Pl.* preferred a law, *ut qui foederatis civitatibus adscripti essent, si tum, cum lex ferebatur, in Italia domicilium habuissent, ac sexaginta diebus apud praetorem professi essent, cives Romani essent.* Cic. pro Archia.

Adscripti.] For the right understanding hereof we must note that there were two sorts of Citizens, some *cives nati*, that is, Citizens by birth, others *civitate donati*, that is, citizens by donation, or gift: who because they were added unto, and registred with the first sort of citizens, were thence called [d] *Adscripti cives.* [d] Fr. Sylv. in orat. pro lege Manil.

Professi apud praetorem.] This verb *profiteri* is sometimes [e] *Comitiale verbum*, and signifieth as much as *profiteri nomen*, that is, to render ones name unto a Magistrate: and this construction it beareth in this place. [e] P. Ramus in or. Cic. Agr. 2.

Lex Cornelia de Municipiis.

L. Cornelius Sylla preferred a law, that all *Municipal* states should loose their freedome in the *Roman* city, and also their priviledge of having commons in the *Roman* field. Cic. pro Domo.

Gellia

Gellia Cornelia lex.

L. Gellius Publicola, and *Cn. Cornelius Lentulus* being Consuls decreed a law, that all those private persons upon whom *Cn. Pompeius* in his wisdome should bestow the freedome of the *Roman* citizens, should ever be accounted free Denisons.

Cic. pro Balb.

Cap. 5.

De legibus ad comitia spectantibus.

Ælia lex.

Q. Ælius Petus asked a law in time of his Consulship, *ut quoties cum populo ageretur*, that is, as often as any Roman Magistrate did assemble the people to give their voices, the *Augures* should observe signes and tokens in the firmament, and the Magistrate should have power *obnunciandi, & intercedendi*, that is, to gainsay and hinder their proceedings.

Cic. multis in locis.

Ageretur cum populo.] Here we may note the difference between these two phrases, *Agere cum populo*, and *Agere ad populum*: [f] He was said *Agere ad populum*, whosoever made any speech or Oration unto the people, and this might bee done upon any day indifferently. But then onely was it said *Agi cum populo*, when the people were assembled to the giving of their voices by a lawfull Magistrate, and the people were demanded what their opinio was in the matter proposed: and this could not be done but upon one of those days which they called *Dies Comitiales*.

f Agel. l. 13. 14. cap.

g Bersman de ver. dier. ratione ad finem. Ovid. Fast. Cic. in suis orat. sæpe.

Fusia lex.

Pub. Furius sive Fusius Philus, being Consul ordained a law, that upon some certain daies, although they were *dies Fasti*, that is, Leet-daies, yet no Magistrate should summon an assembly.

Clodia

Clodia lex.

P. *Clodius Trib. Pl.* abrogated both those former lawes, making it unlawfull to obserue signes and tokens in the heauens, upon those daies when the Roman people were to bee assembled: And secondly, making it lawfull to assemble the people upon any Leet-day whatsoeuer. Cic. pro Sext.

Gabinia lex.

At first, for many yeares the Roman people in their assemblies did suffrage *Viua voce:* at which time many of the inferiour sort, gaue their voices contrary to their wills, fearing the displeasure of those that were of higher place: For the better help in this point, *Gabinius* asked a law, that the people in all their elections might not suffrage *Viua voce*, but by giving up certain tablets; the manner whereof hath beene formerly shewne: whence both this, and all other lawes tending to this purpose haue been called *Leges tabellariæ.* Cic. 3. de leg.

Cassia lex.

After *Gabinius*, *Cassius* also preferred a law, that both the Iudges in their iudgements, and the people in their assemblies should suffrage by tendring such tablets: [a] but this is to be vnderstood onely of those assemblies by wards called *Comitia Tributa*: wherein they treated of mulcts and mercements. Cic. in Lælio.

[a] Rosin. antiq. l. 8. c. 3.

Cœlia lex.

Cœlius Trib. Pl. established a law, that not only in mulcts and mercements, but also *In perduellionis iudicio*, that is, in taintments of treason against any person of state (namely such as were *sacro sancti*) or against the common-weale, this *Tabellary* liberty should haue place, when the people should iudge thereof. Cic. 3. de leg.

In perduellionis iud.] [i] This word *perduellis* doth signifie an enimie vnto the state, a traitour: and hence commeth this word *perduellio*, signifying not only the crime of treason, but the punishment also due thereunto, [k] *Si crimen quod erat gra-*

[i] Cœlius Sec. Curio in orat. pro Milone. [k] Sig. de iud. lib. 3. c. 3.

vissimum inter crimina, nempe imminuta maiestatis: si pœna quæ erit acerbissima, nempe mortis.

Papiriadex.

Cic.de. leg.3. *C. Papirius Carbo Trib. Pl.* perswaded that not only in their elections, but in the propoſall of their lawes alſo, this ſuffraging by tablets ſhould be uſed.

Sempronia lex.

Cic. multis in locis. *C. Sempronius Gracchus Trib. Pleb.* preferred a law, that the Aſſociats of *Latium* ſhould have as great right of ſuffraging, as the Roman citizens.

Manilia lex.

Cic. pro Mur. *C. Manilius Trib. Pl.* preferred a law, that all thoſe who were *Libertini*, in what Tribe or Ward ſoever, ſhould have the right of ſuffraging.

CAP. 6.

De Senatu & Senatoribus.

Claudia lex.

Cic. Verrin. 7. *Claudius Trib. Pleb.* perſwaded a law that no Senator or Senators father, ſhould have any ſhippe, which ſhould contain above three hundred of thoſe meaſures called *Amphoræ*, deeming that ſufficient for the tranſportation of their corn from the Roman field. Secondly, by this law the Senators were forbidden the uſe of trading.

Amphoræ. Alexander Neapol. obſerveth two ſorts of theſe meaſures, namely *Amphora Italica* containing 2 *Vrnas* and *Amphora Attica* containing 3 *Urnas*: every *Urna* contained two gallons and a pottle. This in probability is underſtood of the *Italian Amphora*.

1 Alex. Gen. dier. 12. c. 20.

Tullia Lex.

Cic. Philip. 1. When as a cuſtome had growne, that many of the Senators having by ſpeciall favour obtained *Liberam legationem*,

upon

upon all occasions would abuse that their authority, procuring thereby their private gaine, and the incretale of their own honour, then *M. Tullius Cic.* being Consul laboured quite to take away the seekindes of embassages, which though he could not effect, yet thus far he prevailed; that whereas in former times this *Libera legatio* being once obtained, was never (not through a mans whole life) taken from him again, yet afterward this authority should never bee granted to any longer then the space of one yeare.

Legatio Libera.] Woe may observe in ancient Authors three severall kindes of embassages: The one, which is a message sent from the Prince or chiefe governours of one country unto another, and that is expressed commonly by this one word *Legatio*, without any addition thereunto; sometimes it is called *Legatio mandata*. The second, which is when one purchaseth the title of an Embassadour, thereby the more honourably to performe some vow made, whence it was called *Legatio votiva*. The third is the office or title of an Embassadour granted upon speciall favour unto a Senatour, that he might with the greater authority prosecute his private suits in law, or gather up his debts in that Province whither he went: this last was termed *Legatio libera*. All three sorts are briefly touched by [m] *Toxita*.

[m] M. Torita in orat. Phil. 5

CAP. VII.

De Magistratibus.

Cornelius Sylla being *Dictator*, made a law, that all such as would follow him in the civill war, should be capeable of any office or magistracy before they came unto their full yeares. A second part of this law was, that the children of such as were *proscripti*, should bee made incapable of the Roman Magistracies.

Cicin Pison.

Before they came to their full age. For *L. Villius* preferred a law, whereby he made such as were under age, to bee uncapable of the city preferments: and those hee accounted under age, who had not attained unto that number of yeares which he had prescribed each severall office; and this law was termed *lex annalis*.

m P. Ramus in Agrar. 2.

Proscripti were such persons as were banished. For the fuller understanding look Proscription in the tract of punishments. *Iulius Cæsar* did contrary to this law, *Admisit ad honores & proscriptorum liberos*, Suet. in. fu. 41.

Hirsia lex.

Cic. Phil. 13. *A. Hirsius* made a law, that all those that followed *Pompey*, should be made uncapable of all places of office.

Cornelia lex.

Cic. Phil. 2. *L. Cornelius Sylla* finding the *Prætores*, that is, the L. chief Iustices not to give sentence alwaies according to equity, yea sometimes to goe quite contrary to their owne Edict, made a law, that every L. chiefe Iustice should administer iustice according to that his first Edict, hanged up at the beginning of his office. And addition unto this law was, that the L. chiefe-Iustice should not be absent out of the City above ten daies.

Clodia lex.

Cic. pro Sext. In former times it was lawfull for either of the *Censors* to censure whom he pleased, and how he pleased, except his fellow Censors did plainly gain-say it, and make opposition therein; But many abusing this their authority, P. *Clodius Trib. Pl.* made a law, that the Censors should not over-skip any in their election of Senators; neither should they brand any with disgrace, except such as had been accused, unto them, and been condemned by them both.

Valeria lex.

Cic. Verrin. 4. The office of a Dictator at the first institution continued but six months space, untill *L. Valerius Flaccus* being *Interrex*

rex, in the vacancy of the Consuls preferred a law, that *L. Cornelius Sylla* should be a perpetuall Dictator.

Cornelia lex. Cic. 3. de leg.

L. Cornelius Sylla in the time of his Dictatorship, did by vertue of a law preferred by him, clip the authority of the *Tribuni Pl.* disabling them of bearing any office after the expiration of their Tribuneship, taking away their authority of preferring laws, of using any solemn speech, or publike oration unto the people, of hearing appeales, of hindring any statute, or decree tending to the hurt of the populacy.

Cap. 8.

De Legibus.

Cæcilia Dedia lex.

Q. *Cæcilius Metellus*, & *Titus Didius* being Consuls forbad that *Unarogatione*, that is, in one and the same bill many things should be proposed unto the people; least by that meanes, the people by granting the whole bill, might grant something which they would not, or in denying the whole bill, might deny some particular clause which by it selfe they would have accepted. Moreover these two *Consuls* ordained, that before a law should bee asked in the assemblies it should be promulged, that is, hanged up to the publique view of the people three market daies. Cic. prodom. sua ad pontif.

Iunia Licinia lex de trinundino. Cic. Philip. 5.

Iunius Silanus, and *L. Licinius Murena* being Consuls established that law of *Cæcilius* and *Didius*, annexing a more severe punishment for the breakers thereof.

Clodia lex de intercessione. Cic. pro Sext.

P. Clodius Trib. Pl. made a law, that the *Trib. Pl.* should have full authority, and power to propose lawes; neither should they be hindred by the *Intercession*, that is, gainsaying of any.

Licinia Æbutia lex.

Cic. pro domo sua ad Pontif.

Licinius and *Æbutius* being *Trib. Pleb.* ordained that if any preferred a law touching the oversight, the charge, or cure of any businesse in hand; neither he, nor any fellow, officer with him, nor any allied unto him should have his oversight, or charge committed to him.

Cap. 9.

De Provinciis.

Sempronia de Provinciis.

Sempronius Gracchus Trib. Pleb. ordained, that the Senate every yeare before the election of their *Consuls*, should as it seemed best to them, appoint out what Provinces the Consuls now to be elected, should after the expiration of their office goe unto; for which Provinces afterward the Consuls designed should cast lots. Another clause to this law was, that whereas in former times by a decree from the Senate, it was lawfull for the *Tribunes* to hinder the Roman assemblies, hence forward they should have no authority.

Cic., de prov. consularibus.

Cornelia de Provinciis.

L. Cornelius Sylla being Dictator, preferred a law, that whosoever went into a Province *cum imperio, tam diu illud imperium retineret, quoad in urbem reversus esset*: whereas in former times his rule and government was to be resigned at the expiration of a set time appointed: yea although no successor were sent, yet could he not continue there *cum imperio* without a new commission. A clause added unto this law was that after the comming of any new President or Governour into the Province, the old Provinciall President should depart within thirty daies.

Cic. ep. 9. ad Lentul.

Esse cum imperio.] that is, *Potestatem præsse, & habere jus administrandi, & suis auspiciis gerendi belli.*

p Sig. de jur. Prov. l. 3. c. 13

q Sig. eiusd. lib. cap. 6.

Titia

Titia lex de Provincia.

Titius, or (as some say) *Decius* preferred a law, that the Provinciall Treasurers called *Quæstores*, should cast lots for their Provinces: whence *Tully* in the Oration now quoted inferreth, that although *Ofilius* being the better Province fell upon *Servius Sulpitius*, yet in as much as it fell *Lege Titia*, that is, by casting lots, he could not therefore challenge any superiority aboue L. *Murena*, *sed utriusq; nomen confedit in Quæstura*, that is, their fame and renown was equall in their *Quæstorship*. Cic. pro L. Muræn. † Melanct. in orat. pro Murana.

Iulia lex de Provinciis.

C. Iulius Cæsar established two laws touching the *Roman* Provinces: one that no *Prætor* should govern a Province aboue twelve months; nor *Proconsul* aboue two yeare: The severall heads or clauses of his second law could not all bee found out, but those which have come to light are these: First that *Achaia*, *Thessalia*, and all *Græcia* should be free; neither should any Roman Magistrate sit in judgement in those Provinces (*Cic. pro domo*) Secondly, that the Provinciall governours and their *Comites*, that is, assistants, or attendants should have hay, and all other necessaries provided them on the way, by those Townes and Villages through which they passed. (*Cic. in Pison.*) Thirdly, that the provinciall Magistrats at their departure, should leave a book of their accounts in two Cities of their Province, and likewise should send a coppy of their accounts unto the Roman Treasure-house. (*Cic. in Pison.*) Fourthly, that it should neither bee lawfull for the people to bestow, nor for the Provinciall Magistrate to receive *Aurum coronarium*, unlesse it were in a triumph (*Cic. in Pison.*) Lastly, that it should be unlawfull for the Provinciall Magistrate without the allowance of the people or the Senate, to depart out of their Province, to lead forth any army, to wage war, or to goe into any forraine country. (*Cic. in Pison.*) Cic. Phil. 1.

Aurum coron.] There was a custome among the Romans in † Lipsi. de mag. Rom. l. 2. c. 5.

in times of victory to present unto the L. Generall Coronets of Gold, instead whereof the after-ages presented a certain sum of mony, which was thence called *Aurum coronarium.*

Vatinia de Provinciis

Cic. pro Balb. *P. Vatinius Trib. Pl.* procured a law, that *Iulius Cæsar* should have the goverment of *Gallia Cisalpina* & *Illyricum* for five yeares space, without any decree from the Senate, or casting lots. Secondly, that they also should goe as Legates, or L. Deputies unto *Cæsar*, without any decree from the Senate, whatsoever were nominated in that law. Thirdly, that *Cæsar* should receive mony out of the common Treasure-house towards having an army. Lastly, that he should transplant a Colony unto a certain town of *Cisalpina Gallia*, called *Novocomum.*

Clodia de Provinciis.

Cic. pro Domo. P. *Clodius* being *Trib. Pleb.* procured a law, that the goverment of *Syria*, *Babylon* and *Persia* should be committed to *Gabinius*; the goverment of *Macedonia*, *Achaia*, *Thessalia*, *Gracia*, and all *Boetia* should bee committed unto *Piso*; and they should receive together with an army, mony out of the common Treasury towards their iourney.

Clodia altera de Cypro.

Cic. pro Sext. P. *Clodius* preferred another law, that the Iland *Cyprus* should be made a province; That *Ptolomæus* the king of *Cyprus* sitting in his purple, with his scepter & other his princely ornaments, *Præconi publico subiiceretur, & cum bonis omnibus publicaretur*, that is, should himselfe with all his goods be sold by a common cryer. That *M. Cato* being then Treasurer, *cum iure Prætorio, adjecto etiam Quæstore*, having by commission the office of a L. chief Iustice, and another Treasurer to accompany him, should bee sent into the Iland *Cyprus*, both to make sale of the kings goods and estate, and also to bring back the mony. Lastly, it was decreed by this law, that those who lived in exilement at *Byzantium*, being condem-

condemned for some capitall crime, should be brought back unto the city, under the name of Romans.

Praeconi publico subiiceretur.] For the better understanding of that phrase, we are to understand the manner of port-sale amongst the *Romans*: which wee may read in *Sigonius* thus. Those things were rightly sold in portsale, which were publikely sold *Per praeconem sub hasta*, that is, by the cryer under a speare sticked up for that purpose, and some Magistrate making good the sale by delivery of the goods. Whece I take *Publico praeconi subiici*, and *Hasta subiici*, to signify one and the selfesame thing, namely, to be set at sale: and [t] *Cicero* useth almost the selfesame phrase; *Bona C. Pompeii, voci acerbissima subiecta praeconis.* This kind of sale was termed *Auctio*: becaus as *Sigonius* saith in the same place, to him the goods were sold, *Qui plurimum rem augeret*, that is, which would bid most for it: & hence is the seller thereof termed *Auctor*, as [u] *Cic. Id quod à malo auctore emissent*, that is, that which they had bought of one, which had no authority to sell: & from this custome of setting up a speare in this kinde of sale, this word *Hasta* alone is used, to signifie port-sale, as [x] *Hasta Caesaris*, the sale of *Caesars* goods. Those who bought these goods [y] *Tully* doth call *Sectores*, [z] *quia spem lucri sui sectabantur*. In such kinde of sales, a catalogue, or note of the goods to be sold was hanged up in tables, for the publique view of passengers. Whence such goods were termed *suspensa bona*. And if any friend would redeem the goods, then did he *dejicere libellos*, that is, put in bands and security to answer the matter. The phrase is used by *Tully Cic. pro Quintio*. And also by *Seneca de benef. lib. 4. cap. 12. Suspensis amici bonis libellum dejicio, creditoribus eius me obligaturus.* It is thus explained by *Turnebus adv. l. 12. cap. 9.* If the sale proceeded on, then such as proposed to be chapmen, signified their desire by holding up their finger: whence *Digitum tollere* signifieth the desire of buying such goods. *Alex. ab Alex. l. 4. cap. 26.*

[t] Cic. Phil. 11.

[u] Verrin. 7.

[x] Cic. Phil. 8.

[y] Cic. in Ver.

[z] Sig. de jud. lib. 2. c. 24.

Cap. 10.

De Legibus Agrariis.

THoſe lawes were termed *Leges Agrariæ*, which did concern the diviſion of the publike, or common fields: And theſe were either given by *Romulus* and other Kings; or taken from the enimies, or from private men which had made incloſures; or laſtly bought out of the common Treaſurie, [a] *Vide Sigon.*

Sempronia lex Agraria.

[a] Sig. de iur. Bal. l. 2. c. 2. [b] Cic. pro Sext.

Titus Sempronius Gracchus Trib. Pleb. preferred a law which forbad, that any of the Romans ſhould have to his own part aboue fiue hundred acres of the common fields, the one halfe of which it was lawfull for his ſonne to enjoy. If it had ſo happened that any ſhould enlarge theſe common fields, three ſurvayers called the [b] *Triumviri agro dividendo*, did mark out which was common, which private ground. Moreover it was by this law provided, that the mony of king *Attalus* who made the people of Rome his heire might be beſtowed upon thoſe citizens, which had by this law obtained a part of the common fields, to the buying of inſtruments for husbandry. Moreover that the kings lands ſhould be farmed out at a ſet rent by the *Cenſors*, whence an yearely tribute ſhould be paid to the people.

[c] Sig. de iur. Ital. l. 2. c. 2.

Cornelia lex.

Cic. in Rul.

L. *Cornelius Sylla* being Dictator preferred a law, that all the fields of thoſe Romans which he had baniſhed ſhould be common. This publication is to be underſtood chiefly of thoſe fields in *Thuſcia*, neere unto the city *Volaterræ*, and the city *Feſulæ*, which grounds *Sylla* divided amongſt his ſouldiers.

Cap. II.

De frumentariis legibus.

Sempronia lex.

Sempronius Gracchus being Tribune of the Commons, provided that a certaine quantity of corne should monthly be given unto the poorer sort at a low price, *Semisse & triente*: that is, about six pence farthing a bushell. Hereupon was there a place appointed in Rome, for the keeping of this common corn, together with certain lawes hanged up there called *leges frumentariæ*. This place was called [c] *Horrea sempronia*. The quantity of corn laid up in every city for this purpose is by the latter Lawyers termed *Canon*: as *Canon Alexandrinus*, *Canon urbis Romæ*, *&c. vide Stuck. de conviv. lib. 1. c. 35.* Cic. pro Sext.

[c] Rosin. ant. lib. 8. c. 21.

Semisse & triente. It appeareth by the next law, that *Semissis* in this place must signifie the same as *senis æris* doth there. Whereby we may note, that *semissis* doth not alwaies signify the halfe part of the Roman coyn called *As*, but sometime it signifieth a greater coine valuing almost our sixpence.

Clodia lex.

P. *Clodius Trib. Pl.* ordained, that that corn which heretofore was sold to the poore *senis æris & trientibus in singulos modios*, that is, for sixpence farthing a bushell, should hereafter be given *gratis*, and charge and overfight of this dole was committed to *Sext. Claudius.*

Terentia Cassia.

M. Terentius and *C. Cassius* being Consuls preferred a law, *Uti alteræ decumæ à provinciis coemeretur, pretio in singulos modios H.S. trium constituto. Item ut civitatibus aqualiter imperaretur, pretio in singulos modios H.S. quatuor constituto.* Cic. pro Sext. in Pison. Cic. Verrin. 5 & 7.

For the better understanding of this law, wee must note
[d] Sig. de jur. Prov. l. 1, c. 1. [d] a threefold tithe payd by the Provinces. The first was the tenth part of the graine growing in the province to be paid in *gratis*, and that was properly called *Decuma*, or *frumentum Decumanum*, and those that took this tithe to rent were called thence *Decumani*. A second sort of tithes was a certain quantity of corn taken up for the L. President or chiefe governour of the Province, to keep his house, & that was called *Frumentum æstimatum*, that is, corn gathered up by way of taxation: for so this word *æstimo* comming from *as* doth
[e] Fr. Sylv. in orat. pro Cluent 10. signifie, [e] *Est autem æstimare ab ære dictum, id quod vulgo dicunt appreciare & taxare*. The third sort of tithes, was when the Senate finding scarcity of corn in *Rome*, did injoyn the Provinces to sell them a quantity of corn at a price set down by the Senatours themselves, and this corn sold upon injunction if it was paid but once in the yeare, it was termed *Frumentum emptū*; but if in the same yeare a second sale was injoyned them, then they called that second pay *Frumentum imperatum*. In the first clause of this law by [*altera decuma*] is meant *Frumentum emptum*; in the second clause, by these words [*civitatibus æqualiter imperaretur*] is understood *Frumentum imperatum*.

Lex Hieronica.

Cic. Verrin. 4. *Hiero* King of *Sycily* obtained a law, wherein was set down the quantity of corn that the *Aratores* or country farmers should pay unto the *Publicani*, that is, those which received the tithes, together with the time of payment & the prise agreed upon.

Cap. 12.

De legibus sumptuariis sive cibariis.

IN ancient times there was a commendable frugality among the *Romans* in their feast, but after ages grew to immoderate excesse therein, so that whole Goates and Boares

Boares, &c. were set on the table at one time. Such a hog thus dressed, *Cincius* was wont to call [a] *Porcum Trojanum*, alluding to the *Troian* horse; because the belly thereof was stuffed with variety of fowle and rabbats, and such like, as the *Troian* horse was with armed men. This kinde of excesse *Tiberius Cæsar* laboured to redresse, by serving at his table cold halfe-eaten dishes at solemn feasts, using this proverb [b] *Dimidiatus aper omnia eadem habet quæ totus.* Hence also men of severer discipline enacted laws termed *Leges sumptuariæ* or *Cibariæ*, which prescribed a moderation, not onely for the charges in their greatest feasts, that they should not exceed such & such summes of mony, but also for the guests to be invited, that they should not exceed such a number. The chiefe of these lawes were these that follow.

[a] Stuck. de cõviv. l. 3. c. 3.

[b] Suet. Tiber. 34.

Lex Orchia.

C. *Orchius* being protector of the commons, by the consent of the Senate, the third yeare before *Cato* was *Censor*, preferred a law, whereby he only moderated the number of guests, without any limitation of the charges or superfluous expence at feasts.

Lex Fannia.

Twenty two yeares after *Orchius* his law *C. Fannius* being *Consul* enacted another, for the moderating of expences, allowing *Non plures denis assibus* to be spent in their ordinary feasts: But upon those more solemne feasts dedicated unto *Saturn*, and from thence called *saturnalia*, likewise when any publique games were exhibited by the Roman people, he then allowed *Centum asses*, ordaining that no other fowl should then be dressed but only one hen, and that not fatted for the purpose.

Non plures denis assibus] The *Roman* coyne *As* was so called [c] *quasi æs*, because the matter thereof was *brasse*; [d] at first it consisted of a full pound weight; afterward in the first *Punick* warre, by reason of the scarcity of mony, they made of every pound of brasse six of those coynes, each valuing as much

[c] Varro lib. 4. de ling. Latin.

[d] Plin. l. 33. c. 4.

much as they did at first. In the second *Punick* warre there were twelve made of every pound; at last by vertue of a law which *Papirius* enacted, foure and twenty were made of a pound; and so they continued; the value alwaies remained the same, *videl.* ob. q^a. so that to allow but ten of these to a feast, seemeth a matter altogether uncredible, but consider with the frugality the cheapnesse of those times, it may bee granted for a truth; [e] for ten of these were the price of a sheep, and an hundred the price of one Oxe.

e A. Gel. 11. cap. 2.

Lex Didia.

Eighteen yeares after *Fannius*, *Didius* ordained that the former sumptuary laws should be of force, not only in *Rome*, but throughout *Italy*; Moreover that not only the feast-master transgressing, but all the guests should bee liable to the penalty.

Lex Licinia

P. Licinius Crassus preferred a law in a manner agreeing with the *lex fannia*, whereby he rather confirmed *Fannius* his law being now antiquated, then made a new.

Lex Cornelia.

Cornelius Sylla being Dictator ordained a law for the price of meats, so that he was thought by cheapnesse of victuals to encrease rather then to restrain superfluities at feasts.

Lex Antia.

Antius Restio preferred a usefull law, to moderate expences in feasting, which notwithstanding was violated, and in a manner abrogated by the contrary practise of the Citizens in generall. For which cause, *Restio* afterward being invited, would never come to any feast, because he would not be an eye-witnesse of the contempt of that law, which himselfe had caused. If any desire to see more lawes of this nature, let him read *Stuck. conviv. lib.* 1. *cap.* 3. *Aul. Gel. lib.* 2. *cap.* 24. And *Macrob. Saturn. lib.* 3. *cap.* 17.

Cap. 13.

De re militari & bellis.

Gabinia lex.

Cic. pro lege Manilia.

A *Gabinius Tr. Pl.* preferred a law that the managing of the war against the Pyrats should bee in such manner committed unto *Pompey* for three yeares space, that over the whole sea between *Hercules* his pillars, & in the Maritine provinces unto the foure hundreth *Stadium* from the sea, hee should have power to command any Kings, L. Presidents, or whole corporations to furnish him with all things necessary to that war.

Manilia lex.

Cic. pro lege Manilia.

C. Manilius Trib. Pl. perswaded a law, that the managing of war against *Mithridates* should bee committed unto *Cn. Pompeius*: That the whole province where L. *Lucullus* ruled, together with his whole army should bee resigned up unto him: Moreover that *Bithinia*, where *Glabrio* ruled, should be added, together with all those bands and forces, which he had upon the sea against the Pyrats, and all those provinces, over which the law *Gabinia* did entitle him governour, as *Phrygia, Licaonia, Galatia, Cappadocia, Cilicia, Colchis superior*, and *Armenia*.

Cap. 14.

De Tutelis.

f I. Camerar. in orat. pro L. Flacco.

THis word *Tutela* doth signifie a wardship, guardianship, or protection of a child in his nonage: whereof *Camerarius* observeth four sorts, and wee may with *Peditarius* add the fift. Either the overseers were appointed by will; or else the next of the kinne were overseers; or the Magi-

magistrate did appoint whom he thought fit: and these three sorts [g] *Omphalius* calleth thus: the first *Testamentariam*, the second *Legitimam*, the third *Dativam*. The fourth sort *Camerarius* calleth *Tutelam fiduciariam, qua eorum est, qui emancipati desiissent esse agnati*. The fift [h] *Pellitarius* calleth *Tutelam honorariam*, namely, when as the office of administration is cõmitted to others, but yet certain chief overseers were appointed to see the will performed, who were called *Tutores honorarii*.[i] Where we must note, that the law provided overseers, not for children under age only, but for women also.

[g] I. Omphal. n orat. pro Cæcinna.
[h] Pellitarius pro Cæcin.
[i] Cic. pro Muræn.

Emancipati desiissent esse agnati.] By the *Roman* law every sonne was in such subjection unto his father, that before he could be released of this subjection, and made free, he should by an imaginary sale,[k] be sold three times by his naturall father to another man, who was called by the lawyers [l] *Pater fiduciarius*, that is, a father in trust; yee and bee bought again by the naturall father, and so manumised by him, & thē he became free. The form of this kind of sale, or alienation, is set down more at large in the explanatiõ of one of the laws that followeth, with an example not much unlike this. This imaginary sale was called *Mancipatio*, the children thus alienated from the father were termed *Emancipati*, this forme of setting free was termed *Emancipatio*. This *Fiduciaria tutela* then, in my opinion was thus. That when any goods did fall unto a child thus alienated, by the death of his father, then should not the oversight of this child fall unto the next of the kin, termed *Agnati*, but *Quoniam desiit esse agnatus*, that is, because hee had in a manner lost his alliance with his kindred, therefore should the oversight of the child belong unto the father in trust, termed *Pater fiduciarius*: Whence the gardianship it selfe was called *Tutela fiduciaria*.

[k] Vid. leg. 12. tabul.
[l] Sig. de iure Rom. l. 1. c. 10

Latoria lex.

This law made by *Latorius* provided, that there should be overseers appointed for those which were distracted, or did

Cic. 3. de offic.

did prodigally waſt their patrimony. For, as it appeareth by the common adage, *Ad Agnatos & Gentiles deducendus eſt*, they did account all prodigals, madmen: they meaning no more by that, then we doe by our engliſh proverb, when we ſay of a ſpend-thrift, Let him be begged for a foole. The reaſon of their adage was, becauſe if any were diſtracted, by the *Roman* law his wardſhip fell *Ad Agnatos & Gentiles*, that is, to the next of the kindred.

Cap. 15.

De Teſtamentis.

BEfore we deſcend unto the lawes themſelves, we will explaine thoſe three divers ſorts of wils in uſe amongſt the *Romans*: Namely *Teſtamentum calatis comitiis*; which was ſo called, becauſe twice in the year in time of peace the *Roman* people aſſembled themſelves together, to this end and purpoſe, that if any would make his will, the whole people might beare witneſſe thereunto: theſe aſſemblies were termed *Calata comitia*. Secondly *Teſtamentum in procinctu*, that is, when a ſouldier in time of warre ready to give battle, did call out three or foure of his fellowes, and in the audience of them did by word of mouth pronounce his laſt will and teſtament. Thirdly, *Teſtamentum per emancipationem familiæ*, that is, by making over his goods and poſſeſſions under a fained forme of ſale, unto a ſecond party called *Hæres fiduciarius & imaginarius*, that is, an heire in truſt, who ſhould afterward reſigne the unto the true & lawfull heire: and this imaginary kinde of ſale, was performed with certain ſolemnities *circa æs & libram*, and alſo the ſale it ſelfe was ſometimes called *Nexus*, as likewiſe *Emãcipatio*. Hence was the will ſometimes called *Teſtamentum per æs & libram*, ſometimes *Teſtamentum per nexum*. For the proofe of this, which hath been delivered, touching the three ſorts of wils I

will referre the reader to [m] *Sigonius*.

[m] Sig. de jure Rom. l. 1. c. 12.

Furia lex.

Cic. Verr. 3. *C. Furius Trib. Pleb.* made a law, that it should not be lawfull for any to give away in way of legacy, unto any, except to the kinsmen of him which manumised him, or some other certain persons, *supra mille asses*, that is, above fifty shillings or there about, there going two *Asses & semis* to the making of one *Sestertius*.

Voconia lex.

Cic. Verr. 3. *Q. Voconius Saxa Trib. Pleb. tulit legem, Ne qui census esset, virginē, neve mulierem supra quadrantem suorum bonorum haeredem instituere, plusve cuiquam legaret, quam ad haeredem, haeredesve perveniret.*

Census.] This word *Census* doth sometimes signify all such as have tendred the just valuation of their estate unto the *Censors*: and then *Incensus* is opposite to it; signifying such an one, as hath not tendred his estate or name to be registred by the *Censors*. But in this place *Census* is taken for such a rich man, whose estate was in the *Censors* book valued, at one hundred thousand *Sesterces*. (*Vid Asconium in Verrem.* 3.)

Supra quadrantem suorum bonorum] that is, No woman should be heire to more then one quarter of such a rich mans goods. For the right conceaving of this, we must note with [n] *Latomus*, that the whole inheritāce (were it never so great) was termed *As*, and that was divided into twelve parts, which the lawyers called *Uncia*: *Dua Uncia dicebantur Sextans, tres Quadrans, quatuor Triens, quinq; Quincunx, sex Semissis, septem Septunx, octo Bessis, novem Dodrans, decem Decunx, undecim Deunx, Totum as, ut dictum est*, Againe every *Uncia* was divided into six parts called *Sextulae*: *Dua sextulae Duellam, tres Semunciam faciunt*. So then according to the lawyers (as [o] *Alexander* observeth) if there were one heire alone instituted, he was termed *Haeres in Assem totum institutus*; if otherwise there were many co-heires, then was it according

[n] Barth. Latom. in orat. pro Cecinna.

[o] Alex. Gen dier. l. 1. c. 1.

cording as the *Teſtator* did adpoint. Some were *ex Deunce haredes*, that is, heirs to eleven parts of his goods, there being but one part beſtowed from him: ſome were *haredes ex quadrante*, that is, heires to one quarter of his goods; others were *Heredes ex ſemuncia*, that is, they had the foure and twentieth part: others were *Sextula aſperci*, that is, they had the threeſcore & twelfth part of the whole *As*, that is, of the whole inheritance, be it more or leſſe, &c. Here we muſt underſtand, that there is great difference between theſe two phraſes; *Inſtitui hæres in totum Aſſem, & ex toto Aſſe.* For all thoſe, which we nominated *Heredes*, whether it were *ex Dodrante, Quadrante, vel Semuncia*, or howſoever, yet were they termed *Heredes ex toto Aſſe*, that is, they were not *Legatarii*, ſuch as receaved legacies. Now none can be ſaid *In totum aſſem inſtitui*, but he which is the alone and ſole heire unto the whole.

Cap. 16.

De uſu-capione.

Atinia lex.

Atinius made a law, that the plea of preſcription, or long poſſeſſion, ſhould not availe in things that had been ſtoln, but the intereſt which the right owner had in thoſe ſtolne goods, ſhould remaine perpetuall. The words of the law are theſe: *Quod ſurreptū eſt, eius rei æterna auctoritas eſſet.* Where by *auctoritas* is meant *ius dominii.* This crime of theft, as likewiſe of uſury, was ſo odious unto the *Romans*, that whoſoever was found guilty thereof, was condemned [q] *Lege quadrupli*, that is, to pay foure times as much; whence the informers againſt ſuch, were tearmed *Quadruplatores.* Cic. Verr. 3.

[p] Sig. de jure Rom. l. 1. c. 11.

[q] Fr. Sylv. in Verrem. 1.

Cap. 17.

De Iudicibus, & Iudiciis.

Lex accusatoria.

Cic. pro Mur. *Tully* mentioneth a law termed *Lex accusatoria*, which in truth was no law, neither was there any author thereof: but there was such a receaved custome amongst the *Romans*, that the accuser should object against the party accused, not only the present crime then questioned, but all other scapes and faults committed long before, to the bettering of his matter: that at length this accusatory custome became in manner of a law, and so was called *Lex accusatoria*, vid. *Franc. Sylvium in orat. pro Mur.* Their custome also was to procure others to joyne with them in their accusations; those *Tully* calleth *Subscriptores*, because they did subscribe unto the accusation.

r Alex. Gen. dier. l. 3. c. 5.
s Cic. pro Muræn.

Lex Servilia & Sempronia.

Curio in orat. pro Scauro. Whereas *Sempronius* had preferred a law, whereby he took away the authority of sitting in judgement from the *Senators*, and appropriated it to the *Roman* Gentlemen, *Q. Servilius Capio* being *Consul* did afterward preferre another law, whereby the administration of judgement was divided between the Senators and the Gentlemen.

Rupilia lex.

Cic. in Ver. t Sig. de iure Prov. l. 2. c. 5. *Rupilia lex vetabat diebus triginta sortiri dicam.* Here we must note with t *Sigonius*, that this law was of force only in the province of *Sicilia*: also that it is one thing *scribere dicam*, that is, to enter an action, another *sortiri dicam*, that is, by lots to choose the Iudges, which was 30. daies after.

Livia lex.

Cic. de orat. l. 3. Though by vertue of *Servilius* his law the *Senators* were made capable of the office of a Iudge, yet they were not thereby

thereby equally capable with the Roman Gentlemen: and therefore did *M. Livius Druſus* ordaine, that the Iudges ſhould be elected equally out of both orders, namely three hundred out of the *Senate*, and three hundred out of the Gentry.

Plautia lex.

M. Plautius Sylvanus preferred a law, that the number of Iudges ſhould be choſen not only out of the *Roman Senators* and Gentlemen, but out of the populacy alſo, namely out of every Tribe fifteen Iudges. Cic. pro Cornel.

Aurelia lex.

L. Aurelius Cotta being *Prætor* made a law, that the Iudges ſhould be choſen out of the *Senators*, the Gentlemen and thoſe Martiall Treaſurers or Clarkes of the band called *Tribuni ærarii*. Cic in Verr. ſæpe.

Pompeia lex.

Cn. Pompeius Magnus being Conſul ordained, that the Iudges ſhould be elected out of the wealthieſt *Centuries*, tying the election notwithſtanding to thoſe three degrees of people, namely *Senators*, Gentlemen, and Martiall Treaſurers; alſo he added that the number of Iudges to examine cauſes ſhould be ſeaventy and five. Cic. in Piſon.

Iulia lex.

C. Iulius Cæſar ordained, that the election of Iudges ſhould be out of the *Senators* and Gentlemen only, leaving out the Martiall Treaſurers; and this *Tully* calleth *legem Iudiciariam Cæſaris*. Cic. Philip. 1.

Antonia lex.

M. Antonius tulit legem, ut tertia judicum decuria è Centurionibus, Anteſignanis, Alaudis, Manipularibus fierot. Cic. Philip. 1. & 5.

Iudicum decuriæ:] When the L. chief Iuſtice had taken his oath, he choſe out ſome *ex certis ordinibus, nõ ex omni populo*, that is out of ſuch degree and place, as the law required, to ſit in judgement on thoſe caſes, which were tearmed *cauſæ publicæ*: and theſe Iudges he afterward divided into leſſer

numbers called *Decuriæ. vid. Sigon. de jure Rom. lib 2. c. 12.*

Et Centurionibus,] *Centuriones* were Captaines over an hundred footmen.

Anteſignanis.] This word *Anteſignanus* hath a double acception in the *Roman* hiſtories: ſometimes *Anteſignani* doe ſignify the third part of the *Roman* army: For all thoſe ſouldiers that fought before the banners or enſignes, as they were called *Haſtati* in reſpect of their weapon, ſo were they called *Anteſignani* in reſpect of their enſignes, before which they fought. The ſecond part of the army, as they were called *Principes* in reſpect of their proweſſe, & valour, ſo were they called *Subſignani*, as fighting under the enſignes. The third part, as they were called *Triarii*, becauſe they fought in the third, or rereward, ſo were they called *Poſt ſignani*, as fighting behind the enſignes. Where we muſt not think, that thoſe which were called *Anteſignani* and *Subſignani*, were altogether deſtitute of enſignes among themſelves: (for every Maniple had his enſigne) But the Eagle, and other chiefe enſignes were carried by the *Subſignani*, & in reſpect had to them they had their names. And hence ariſeth the ſecond acception of this word, namely that all thoſe ſouldiers of every Maniple, which ſtood in front before their enſigne were called *Anteſignani*, and thoſe were commonly the beſt ſouldiers in the company. See for the ſeverall prooſes of this, *Lipſ. milit. Rom. lib. 2. dial. 3.*

Alaudis.] *Iul. Cæſar* preſſed a legion of ſouldiers out of *Gallia Tranſalpina*, all which afterward he made free of *Rome*. This legion he called *Legionem Alaudarum*, from the forme of their helmets, which did reſemble the head of the Lark, called in French *Alaude. Barthol. Latomus in Phil. 1.*

Manipularibus.] Thoſe Captaines which governed a Maniple of ſouldiers, were called *Manipulares. Fr. Maturantius in Phil. 1.*

Lex Cincia de donis & muneribus.

M. Cincius being protector of the Commons, *M. Cornelius*

lius Cethegus, and *P. Sempronius Tuditanus* being *Consuls*, preferred a law, that no man should receive a gift or bribe frō his client for pleading his cause. Of this we read in *Plautus*, & he called it *Legem muneralem*: also in *Tully de Senect.*

Cornelia lex.

L. Cornelius Sylla preferred a law, that the chief judge of the bench called *Iudex Quæstionis*, should referre it unto the choice of the defendant, whether he would have judgement passed on him *Clam an Palam*, that is, (as *Sylvius* observeth either by voices or by tables. Cic. pro Cluentio.

Memnonia lex.

This law (made by *Memnius*) provided, that no action should be entred against those, who were employed abroad in businesse for the common-wealth. An addition unto this law was, that whosoever should *calumniari*, that is, forge an accusation against another, a certain letter should be burnt in his forhead in token of infamy. This law is sometimes called *Lex Rhemnia*. Here we may with [u] *Fr. Sylvius* observe the difference of these three phrases, *Calumniari*, *Prævaricari*, and *Tergiversari*. He which doth in his accusation forge faults never committed, is said *Calumniari*. He which undertaketh ones suit, and either will not urge reasons in the behalfe of his client, or answer the objections of his adversary when he is able, is said *Prevaricari*; that is, to play the false *Proctour*. He which doth desist in his accusation, and let his suit fall, is said *Tergiversari*. Cic. in Verr. Cic. pro sext. Roscio. [u] Fr. Sylv. in orat. pro Cluentio.

Lex incerta de Nexu.

In iis rebus quæ mancipi sunt; in periculum judicii præstare debet, qui se nexu, obligavit, that is, if the buyer of any thing in that forme of sale called *Nexus* be troubled in law, the seller thereof must secure him, and save him harmelesse. Cic. pro Mur.

Mancipi sunt] [x] Those things were termed *res Mancipi*, which were alienated from the seller *Nexu*, that is, by such a forme of sale as followeth. The forme was thus: At the least five witnesses, all *Roman* Cittizens and of full age, besides [x] Fr. Sylv. in orat. pro Mur.

sides one called *Libri-pens* (from holding of a paire of ballances) should be present: and the chapman or buyer should come with a certain brasse coine in his hand, and say, (for example sake, if it were a bond-slave to be sold) *Hunc ego hominem ex iure Quiritium meum esse aio, isq; mihi emptus est hoc ære*; & forthwith striking the ballance with the brasse coyne he gave it to him that made the sale. This kind of chaffering was termed *Nexus*, as we may suppose *à nectendo*, because it did bind the seller to make good the sale: [y] sometimes it is called *Per æs & libram venditio*, because of the ceremonies used in it. [z] Now it is commonly called *Mancipatio* [a] *à manus capione*, from taking that which is sold into ones hands or possession: whence the word *Mancipatus*, and *Mancipium* are used to signify a bondslave, that is in this maner solde; though sometimes *Mancipium* doth signify the sale it selfe: whence *Cic.* useth this phrase, *Lex Mancipii*, to signify a clause or condition put in the sale. All things sold after this manner were termed *Res mancipi*; [b] The word *Mancipi* being a nowne indeclinable, as *Frugi*, *Cordi*, *Huiusmodi* &c. & from this forme of sale, the morgaging of land for the payment of mony may seem to be called *Mancipatio fiduciaria*: He which did thus receave the morgage, or land in way of security, is said *accipere fiduciam*. *Cic. orat. pro L. Flacco*. Vpon which place saith *Lambinus* in his notations, *Accipere fiduciam, est fundum, aut aliam rem soli seu ut appellant immobilem, ab aliquo mancipare, seu accipere ea lege ut cum ille repetat ei remancipet*. we may conject the reason of these ballances, why they should be used in this kind of bargaining, to be, because in old time they did not bargaine by paying coined mony, which was called *Æs signatum*, but by paying a certain weight of mony; whence such mony was tearmed *Æs grave*: And hence it is, that metaphorically we translate *Pendo* and *rependo*, to pay and repay.

y Sylv. ibid.

z Melanct. in orat. pro Mur.

a I. Camerar. in orat. pro Muræn.

b Priscian l. 3. vid. Fr. Sylv. in orat. pro Mur.

c Alex. Genial. l. 1, c. 15.

Cap. 18.

Cap. 18.

De Maiestate.

Lex Varia.

Q Varius Trib. Pleb. made a law, that the *Praetores Quaestores* should sit in judgement upon those, by whom the allies or Associates had been moved to attempt warre against the *Roman* people. Cic. pro Corn.

Iulia lex.

C. Iul. Caesar ordained, that such as were condemned of treason, or causing uproares in the common-wealth, should be banished. Cic. Phil. 1;

Cap. 19.

De Ambitu.

THose lawes were tearmed *Leges de ambitu*, which were made against indirect or unlawfull courses used in canvasses for offices.

Fabia de ambitu.

This *Lex Fabia* restrained the number of those poore men who because they were wont to follow up and downe, & all the day to attend such as did stand for offices, were thence called *Sectatores*.

Acilia Calpurnia.

M. Acilius Glabrio, and *C. Calpurnius Piso*, being *Consuls* made a law, that such as were convinced of sinister and undirect meanes used in their canvasses, should be fined at a certaine summe of mony set on their heads, and they should be made both uncapable of bearing office, and uneligible into a *Senators place*. Cic. pro Mur.

Senatus consultum de Ambitu.

Cic. pro Mur. *M. Tullius Cic.* and *C. Antonius* being *Consuls*, a certain decree was made by the *Senate*, that if such as did either salute or attend upon those which stood for offices, were hired by any manner of reward; or if any publike prizes were occasioned to be plaid; or any publike feasts made by them, they should be liable to the censure of *Calpurnius* his law.

Tullius.

Cic. pro Sext. *M. Tullius Cic.* made a law, that no man standing for an office should cause any publike prize to be plaid, within two yeares that he either had stood, or should stand for an office, unlesse the day had formerly been appointed by some will. *Item*, he ordained, that *Senators* being found to have used unlawfull meanes, for the attaining of any office, should suffer ten years exilement. And the commonalty offending in that point, should be punished with an heavier punishment, then the law made by *Calpurnius* laid on them. An addition unto this was, that if any being cited to his answer in the court of their undirect meanes, *Si morbum excusaret*, that is, If he did urge his sickness for his not appearance, then should he undergoe a penalty.

Si morbum excusaret.] So that *Tully* here seemeth to cut off that liberty, which the twelve tables permited in these words, *Si iudex alterve ex litigatoribus, morbo sontico impediatur, indici dies diffindique esto*: that is, If either Judge, Plantiffe or Defendant were sick, they should *diffindere diem, id est,* [d] *proferre & in aliud tempus reijcere*, prorogue the time of judgement. And unlesse some might thinke, that by *morbus sonticus* was meant some strange disease, *Sigonius* inferreth that every disease is tearmed *Sonticus*, which hindreth us in the performance of our businesse: *Sontes enim nocentes dicunt.*

[d] Sig. de jud. lib. 1. c. 28.

Licinia de Sodalitiis.

Cic. pro Planc. *M. Licinius Crassus* being *Consul* perswaded, *ut in Sodalitiis Iudices, ab accusatore ex tribubus ederentur.*

Sodalitia

Sodalitia.] In the latter times the Romans in their canvasses, would gather together a certain company of their side or faction to follow them, tearming them *Sodales* and these *Sodales* would as it were by violence, force the people to suffrage with them, whence the violence offered by them, was tearmed *Sodalitia*, *Sig. de Iud. lib. 2. cap. 30.*

Iudices ab accusatore eligerentur ex tribubus.] We may read of three sorts of Iudges among the *Romans*, or rather of three divers kindes of elections of their Iudges. For either they were, *Lecti forte tenus*, of which more may be seen in one of the lawes following, or *Editione*, by nomination or naming them, the manner thereof being thus; That either the Plaintiffe should choose them all, and then were they called *Iudices editicii*, or the Plaintiffe should choose one halfe, and the Defendant the other, and then were they called *Iudices alterni. Melanthon in Cic. pro Muran.*

Cap. 20.

De pecuniis repetundis.

FIrst touching the word *Repetunda*, *Sigonius* saith that such mony was tearmed *Pecunia repetundaque possent repeti*, which might by the course of law be recovered. Namely such mony as any magistrate, Iudge, or publike officer did either in the Provinces or in the City receive as a bribe, from the Allies and Associats, or from the *Roman* citizens for the administration of Iustice, or the execution of any publike duty: and this kind of bribe they termed *Pecunias repetundas*, *peconniam ablatam, captam, conflatam, conciliatam, aversam* (*Cic. in Verr.*) But as it seemeth very probable these lawes against bribery, were first occasioned, for the ease and relieve of the *Roman* Provinces and Allies, called in Latine *Socii*, who were much abused in this kind by the Prov. *Consuls*, *Pretors*, and *Quaestors*, &c. Whence *Tul-*

ly called this law against bribery, *Legem Sociale*m. Here also may we note, that *Tully* useth this phrase, *Pecuniam occupare*, for *Fœnerari*, to put mony to use. *Occupare pecuniam est collocare, inquit Donius, id est, Fœnerari.* Vid. Lambin. annot. in Cic. orat. pro L. Flacco.

d Cic. in orat. pro L. Flacco.

Iunia lex.

M. Iunius Pennus Trib. Pl. preferred a law that no such as were convinced of bribery, *Prater litis æstimationem exilium etiam damnato esse irrogatum.*

Litis æstimationem.] Here we will consider the difference of these three phrases, *Litis contestatio, Litis redemptio, et Litis æstimatio.* e The first signifyeth the producing of witnesses when both sides shall openly in the court use the forme of words, *Testes affero*: which was not done, *antequam satisdationes facta essent*, before sureties were put in, by the one, that he should *Judicatum solvere*, pay that which he was condemned; by the other, that he would *rem ratam habere*, that is, stand to the verdict or sentence in the Court. The second phrase signifyeth a composition or an argument agreed upon by both sides between themselves: f *Redimere lites est pactionem facere; qui enim paciscitur, facit ut lis non sit.* The third is when the party which is cast in the suit is adjudged to pay the mony, or the worth of the goods called in question, together with the cost and dammages in law unto his adversary. g *Litem æstimare est pecuniam, & qualis fuit, & propter quam condemnatus est reus, in summâ redigere, qua de bonis eius redigatur.* h And *Æstimare litem est, quod vulgò dicitur, Taxare litis expensas.*

e Sig. de jud. lib. 1. cap. 27.

f Orat. pro Q. Roscio.

g Fr. Sylv. in orat. pro Cluentio.

h I. Tiffin in orat pro Rabirio.

Acilia lex.

M. Acilius Glabrio made a law, that such as were accused of bribery, *Neq; ampliari, neq; comperendinari possent*, that is, they must out of hand receive judgement.

For the right understanding of these two words [*Ampliari & comperendinari*] we must consider the ancient customes and ceremonies used by the *Romanes* in handling their suits

of

of law. First there was *In ius vocatio*, that is a citation of one into the Court. Secondly, *postulatio*, that is, a request put up unto the *Prætor*, that it might be lawfull for the plaintiffe to enter his action against the Defendant; whence *Postulare aliquem de hoc vel illo crimine*, is to accuse one of this or that crime. Thirdly. *Nominis delatio*, that is, the taking of the Defendants name into the court-booke: and this was tearmed, *Intendere actionem, vel litem*; and *Diem alicui dicere*, that is, to enter an action against one. In the second of these Acts, namely when request was made by the Plaintiffe unto the *Prætor*, that he might enter his action against the Defendant then the plaintiffe did *Vadari reum*, that is, demand sureties or bale from the defendant, that he would appeare upon the day appointed by the *Prætor*: And the Plaintiffe did againe, *Promittere vadimonium*, enter bond also for his own appearance upon the same day, which commonly was the third day following, called properly *Dies perendinus*, and sometimes *dies tertius* simply, as it appeareth by those capitall letters. I.D.T.S.P. used to bee written in their actions: which letters [i] *Probus* expoundeth thus: *In diem tertium, sive perendinum*. So that then properly, *lis vel reus dicitur comperendinari*, when the giving of sentence is deferred till the third day. Moreover before the *Prætor* would suffer the action to be entred, he would sweare the Plaintiffe, that he did not accuse the defendant *calumniandi causa*, that is, falsely or malitiously, and this kind of sweating was tearmed *Calumniam iurare, calumniam deiurare*, and *In litem jurare*. Now if either party were absent from the court upon the third day, except he were sick, he was cast in his suit, and the *Prætor* did grant an execution called *Edictum peremptorium*, whereby he gave authority to his adversary to seize upon his goods. Sometimes there were two or three edicts in manner of Prosses or writs, before the *Edictum peremptorium*, could be obtained; sometimes it was granted at the first, and then was it [k] called *dictum pro omnibus*

[i] Sig. de jud. lib. 1. cap. 27.

[k] Sig. ejusd. l. cap. 28.

bus.[1] Now if both parties came into the court and did appeare, then were they said *sistitisse*: so that this word *sisto* amongst the lawyers did signify to shew ones selfe in the court. Vpon the third day the *Prator* also with the whole bench of Iudges did meet, and the *Iudex Quæstionis* (whom *Rosinus* maketh a distinct officer differing from the *Prator*) did cause all the *Select* Iudges to pull out certain lots, out of an urne or pitcher brought thither for that purpose, & those Iudges upon whō the lot fell were to sit in judgement: This was called *Sortitio Iudicum*. Now if either the Plaintiffe or Defendant did suspect any of those, that they would be partiall, then might he except against them, and that was called *Iudicum reiectio*: Then the *Iudex quæstionis* would in manner aforesaid choose other Iudges in their places, and that was called *subsortitio*. Which being ended, those Iudges which were thus chosen, received every one of them frō the *Prator* three tables, the one having this letter A written in it, betokening *Absolution*: whence *Tully* calleth it *literam salutarem*: the other having this letter C. written in it, betokening *Condemnation*: the third having these two letters *N. L.* betokening *Non liquet*. After the receipt of the tables, then did the *Prator mittere vel dimittere iudices in consilium*, that is, sent them to cast their tables into the urnes, there being three urnes or little coffers purposely provided; the one for those judges which were chosen out of the *Senators*, the other for those that were chosen out of the Gentlemen, the third for those which were chosen out of the *Martiall* Treasurers. Now if they did cast the first sort of tables into the urnes, then the *Prator* pronounced the defendāt absolved, if the second, then he pronounced him condemned; if the third then he pronounced *Amplius cognoscendum*, that they must have longer time to enquire: And this is properly tearmed *Ampliatio*, a Reprive, and in such māner it is said, *quod lis vel res dicitur ampliari*. The proofes for this manner of proceeding in law, may be collected out of *Rosinus lib. antiq. 9. cap.*

[1] Sig. ejusd. l. cap. 21.

cap. 19. 20. & 24. and out of *Sigonius* according to the marginall quotations. The like custome, seemeth to have been receaved also among the Græcians, who had three letters of their alphabet, answerable to those among the *Romans*; Θ was *damnationis symbolum*, which occasioned that of *Persius*,

Et potis es nigrum vitio præfigere Theta.

T. a token of absolution, A. of ampliation. *Vid. Erasm. Adag.* Θ *præfigere*. Some as it appeareth by *Erasm.* give a reason of Θ, because it resembleth the heart of man, wounded in the middest with a dart, others because it is the first letter of Θανατ&, signifying death according to that.

Infœlix multis theta est mihi litera fœlix.
Si Θάνατον scribit scribit & illa Θεον.

Cornelius Syla being *Dictator* ordained a law, that the chief Judge called *Iudex Quæstionis*, with the whole bench of Iudges should sit upon life & death, on such as had killed a man; on such as had with an evill intent set any place on fire: on such as should walke with any weapon, either to kill or rob a man; on such as had either made, bought, sold, had, or given any poison, thereby to kill a man, or any magistrate, whosoever should cause any conventicle or secret assemblies, or should give their consent to the suborning of any man, to accuse another falsely, that thereby he being innocent, might be oppressed and condemned by publique judgement. Moreover *De ejus capite quærito &c.* that is, Let them sit upon life and death on that man, which shall bear false witnesse, that another might be condemned to death, on that magistrate or chiefe judge, which shall take a bribe to condemne another to death. Cic. pro Cluent.

Parricidium.] This word doth properly signify only a murthering of ones parents or kinsfolk, but in *Numa Pompilius* his time, it signified as much as *homicidium*, that is any man-slaughter whatsoever.

Cap. 21.

Lex 12. tabularum de vindiciis.

Si qui in jure manum conſerunt, utrique ſuperſtitibus præſentibus vindicias ſumunto.

Si qui in jure.] Here we muſt note that the cuſtome among the *Romans* in old time was, that as often as any controverſy did ariſe touching the poſſeſſion of an houſe, a field, or any ſuch like thing, the *Prætor* did goe unto the houſe, field, or the thing queſtioned being accõpanied thither with the plaintiffe and the defendant, together with others whom the law required to be preſet as witneſſes. This place where-ſoever it were, though in the open field, during the time that the *Prætor* ſate there to give judgement, was tearmed in latine *Ius*, in Engliſh a Court. Wher in the preſence of the *Prætor* and the witneſſe, the Plaintiffe and Defendant did *manum conſerere*, that is, as [m] *Camerarius* ſuppoſeth, argue and diſpute the caſe *pro* & *con* in a ſolemne forme of words preſcribed them by the law. For this phraſe is borrowed by the Lawyers from the art military, where ſouldiers are ſaid *manum vel manus conſerere*, when they fight hand to hand, [*Utriq; ſuperſtitibus præſẽtibus*] that is let both parties in the preſence of witneſſes (ſo [n] *Feſtus* expoundeth *ſuperſtites*) [*Vindicias ſumunto*] that is, let them take a turfe of the ground: for ſo [o] *Sigonius* expoundeth *Vindicie*; though properly (as he obſerveth) it ſignified the poſſeſſion of a thing, rather then the thing poſſeſſed. This turfe being taken up, was carried to the *Prætor*, and judgement was given upon that, as upon the whole. I doe preſume that in other caſes, as in taking the poſſeſſion of an houſe, &c. ſome other thing in manner of the turfe was preſented unto the *Prætor*, upon which as upon the whole he gave judgement. In proceſſe of time, the Prætor by reaſon of the tumult of other imployments, not finding convenient leaſure to review every particular

m I. Camerar. pro. L. Muræn.

n Roſin. ant. lib. 8. c. 29.

o Sig. de jud. lib. 1. c. 21. *Vindiciam ferre eſt ſententia decretoq; rem obtinere dicebat. Vindicias iudex ferebat, Vindicias qui rem obtinebat Turneb. adv. l. 13. 27.*

cular ground, or house called in question, ? it was ordained contrary to the twelve tables, that the plaintiffe in such cases should come into the court, and challenge the defendant in this forme of words, *Ex iure manu consertum te voco*, that is, I challenge thee to goe out of the court into the field, to use one towards the other that solemne forme of words which the law injoyneth. The did the defendāt either yeeld the possession of the ground, or else did reply, *Unde tu me ex iure manu consertum vocasti, inde ibi ego te revoco.* Then did they both taking witnesses with them without the company of the *Prætor inire viam*, that is, goe into the ground bringing back a turfe thereof, upon the which (as in manner shewne) the *Prætor* gave judgement at their returne.

? A. Gel. noct. Attic. l. 20. c. 10.

For the better understanding of this that hath been spoken in the explanation of this law, we must note that the action tearmed *vindicatio* was twofold: either the suit for the possession of a thing or the suit for the Lordship or right owning thereof. The possession of any thing was recovered, either by a true and reall violence or by a seeming violence: This seeming violence was twofold, either it was *manus consertio*, which was shewn immediatly before; or *Moribus deductio*, that is, a customary leading the unlawfull *possessor* out of the ground, thereby to enter possession. *Vis simulata, altera à lege, altera emanavit à moribus*; saith ? *Sigon.* The first of these did arise from the *Roman* law, the other from a custome amongst the *Romans*: the first of these is to be seen in *Tully* his oration *pro Murena*, the other *pro Cœcinnâ*. To these *Sigonius* addeth a third kind of seeming violence; which how justly he hath tearmed a violence, I shal leave to the indifferent judgement of the unpartial reader. The right of the Lordship or owning any thing was sued for in this manner: the plaintiffe did question with the defendant thus; first *An auctor esset?* that is, whether he had not covertly made away the possessiō of the thing, thereby to frustrate the action. Secondly, *An spōderet*, that is, whether he would

? De ind. lib. 3 cap. 21.

put in a gage of mony into the court, which he would forfeit if he were caſt, which being done, the plaintiffe did alſo upon the demand of the defendant put in a gage of mony to be forfeited, if he prevailed not in his ſuit. This gage of mony was termed [r] *ſacramentum*, and in this ſenſe, *Tully pro Milone*, ſaith, *Injuſtis vindiciis & ſacramentis alienos fundos petunt*, that is, they ſue for other mens grounds, with unjuſt actions and gages of mony. Thirdly, *An ſatisdaret*, that is, whether he would put in ſurety, that during the triall in law, the ground or houſe called in queſtion ſhould not be impaired? The ſolemne forme of words uſed in the firſt demand, is thus to be ſeen in [s] *Tully*, *Quando in iure te conſpicio, poſtulo anne ſies auctor?* If the defendant held his peace, then was he adjudged to pay all coſts and dāmage; if he profeſsed himſelfe the preſent *poſſeſſor*, then did the plaintiffe proceed in mānor as he ſhould for the poſſeſſion thereof; if he denied it, then did the *Prætor* ſay unto the plaintiffe, *Quando negat, ſacramento quærito*: Thereupon ſaith the plaintiffe to the defendant, *Quando negas, te ſacramento quinquagenario provoco: ſpondes ne te ſoluturum quinquaginta aſſes, ſi auctor ſis?* To whom the defendant replied, *ſpondeo quinquaginta aſſes ſi auctor ſim: Tu verò ſpondeſne idem, ni ſim?* The Plaintiffe anſwered, *Ego quoq; ſpondeo*. Now in this kind of ſtipulation, the plaintiffe was ſaid *ſponſione & ſacramento provocare, ſacramento rogare, quærere, & ſtipulari*, that is, to challenge one to pawne a ſumme of mony for the triall of a ſuit in law. The defendant was ſaid, *contendere ex provocatione, contendere ſacramento, & reſtipulari*, that is, to be ſued in ſuch mānor. This mony was termed *ſacramentum*, [t] becauſe when it was forfeited, it was beſtowed *in rebus ſacris & divinis*. Touching the laſt interrogatory, I read no ſet forme of words, but by the word *ſatisdatio*, the intelligent reader may conject, that it did ſomewhat ſymbolize with our Engliſh cuſtome of putting in bayle. [u] This putting in of bayle was twofold: The one was *ſatisdare indicatum ſolvi*, to bind himſelfe

to

[r] Sigon. de judic. l. cap. 21.

[s] Cic. orat pro Mureena & pro Cœcin.

[t] Sig. de jud. lib. 1. cap. 21.

[u] Sigon de judic. l. 1. c. 27.

to pay what ſhould be adjudged. The ſecond, was *ſatiſdare rem ratam habere*, To become bound that he would ſtand to the verdict and judgement of the court. The firſt of theſe bonds was required to be performed by the defendant: the ſecond by the plaintiffe's Proctor or Attourny. But if the Action were an action of debt, then the Proctours alone became bound; the Plaintiffes Proctour that he would ſtand to the judgement; the Defendants Proctor, that the debt adjudged ſhould be paid.



LIB. 4.

Rites and customes observed by the Romans in their warres.

De Militia.

TOuching the art *Military* used among the *Romanes*, it will not be impertinent to consider first how warre was proclaimed, and peace established by them; then to march on to the description of their bands, or companies, where we may first observe the office of their chiefe Captaine, and their subordinate leaders, together with the severall wards, into which the universall army was divided. After this we may descend unto the diversity of punishments used toward Captives, and likewise towards refractorious and disobedient souldiers: Adding a *Corollary*, or *Period* to our whole discourse the severall rewards, which the L. Generall with his souldiers after the performance of certain noble atchievements receaved.

CAP. 1.

CAP. I.

De ritu, quem Romani obſervârunt vel fœdus ferientes, vel bellum inferentes: & de triplicis ratione conſcribendi milites.

WEE may remember that it hath been already ſhewne, that both the proclaiming of warre and peace belonged unto a certain order of *Roman* Prieſts called *Fœciales*, who by reaſon of their office I engliſhed **Heralds at armes**. The rites and ceremonies, which they uſed, when they proclaimed peace were as followeth: *viz.* One of thoſe Heralds having his commiſſion from the State (after that both ſides had agreed upon the truce and league now to be concluded) took up a ſtone in his hand [a] uſing this ſolemne forme of words: *Si rectè & ſine dolo malo hoc fœdus atq́, hoc juſjurandum facio, dii mihi cuncta felicia præſtent, ſin aliter aut ago aut cogito (cæteris omnibus ſalvis) in propriis patriis, in propriis legibus, in propriis laribus, in propriis templis, in propriis ſepulchris ſolus ego peream, ut hic lapis è manibus decidet*, and therewithall he caſt the ſtone out of his hand: which manner of oath was tearmed *Iurare Iovem lapidem*, or *per Iovem lapidem*, that is, as it hath been rendred by *Feſtus*, to ſwear by *Iupiter* holding a ſtone in ones hand. [b] Many ſay that he did caſt that ſtone at an hogge or porker brought thither purpoſely, adding theſe words to the former; *Si prior populus Romanus defexit publico conſilio, tum ille Dieſpiter, populum Rom. ſic ferito, ut ego hunc porcum hodiè feriam*: alluding to which cuſtome *Virgill* ſaith,

Et cæſa iungebant fœdera porcâ.

The manner of denouncing warre hath been already ſhewn. The act of ſervice in warre was tearmed *Mereri ſub hoc vel illo duce*, that is, to ſerve in warre under this or that Captain; and whatſoever ſouldier was diſcharged of his ſervice

[a] Polyb. vid. Roſin. antiq. l. 10. c. 2.

[b] Sigon de jure Ita. l. 1. c. 1.

vice, as having served out his whole time, he was called *miles emeritus*, & by [c] *Tully*, such a one is said *stipendia confeciſſe*. [d] *Servius* hath obſerved that the *Roman* ſouldiers were preſſed three manner of waies: *per Sacramentum, Coniurationẽ, & Evocationem*: But [e] *Lipſius* cenſureth him for the amiſſe explanation of the laſt member. Therefore the indifferent reader ſhall give me leave to borrow the tearmes from *Servius*; but the explanation of them partly from *Servius*, and partly from *Lipſius* in the places now quoted. Ordinarily ſouldiers at their preſſe did each ſeverally take their oath not to forſake their Captain or country; and this oath was called *Sacramentum militare*; the words thereof are rendred by [f] *Polybius* thus: *Obtemperaturus ſum, & facturus quicquid mandabitur ab imperatoribus, iuxta vires*; & thoſe were tearmed *Milites per ſacramentum*. [g] This ſort of ſouldiers were upon appointed daies as it were of publique Muſter, elected and choſen by the military *Tribunes* under the *Conſuls*: the aſſignement of the day did chiefly belong unto the *Conſuls*, at which time if any ſouldier withdrew himſelfe, & did not appeare, he was ſeverely puniſhed, ſometimes by impriſonment, ſometimes by confiſcation of his goods, ſometimes by being ſold for a bondſlave. Vpon extraordinary occaſions (as whē tumults or commotions did cauſe any ſuſpicion of imminent danger) the chiefe leaders of the ſouldiers did goe unto the Capitoll, and bring forth two banners or flaggs, the one red, called therefore *Vexillum Roſeum*, unto which the footmen repaired, the other sky-coloured, called therefore *Caruleum*, which the horſemen followed. The reaſon why the horſemens banner was sky-coloured, is [h] rendred thus, becauſe it did moſt reſemble the colour of the ſea, which colour they deemed moſt acceptable to *Neptune* who was both the God of the ſea, and the firſt author of horſes. Now becauſe the ſuddaine danger would not yeeld ſo much time, that they might ſeverally be ſhorne, therefore did they take their oath in common all together, only one chiefe ſouldier throughout

c Orat. pro lege Manil.
d Serv. l. 2. & 7 Æneid.
e Lipſ de milit. Rom. lib. 1. dial. 8.
f Vid. Lipſ. de milit. Rom. l. 1. dial. 6.
g Lipſ. de mil. Rom. lib. 1. dial. 4.

throughout a whole legion, took his oath at large, and in expreſſe words, the reſt followed in order one by one, ſaying καθάπερ ὁ πρῶτος, that is, that he ſwore the ſame as the firſt. If the *Tribune* diſtruſted his ſouldiers fidelity, then would he ſwear thē every one ſeverally in termes at large, and thence were they called *Milites per coniurationem*; as likewiſe *Milites ſubitarii* in reſpect of their ſuddain preſſe: The third member may alſo be admitted, if we with † *Lipſius* underſtand it in its true ſenſe, namely for thoſe ſouldiers who by the L. Generall were added unto the body of their army, he having authority to call out ſuch other ſouldiers, who for their long ſervice were diſcharged from giving in their names at a muſter: And theſe are generally by all authors tearmed *Milites evocati*, and *Lipſius* deemeth them all one, with thoſe whom *Servius* calleth *Milites per evocationem*. The ſouldiers being thus preſſed, if they purpoſed to make war upon their enimies, then did the L. Generall ſummon them to prepare themſelves by a ſound of Trumpets; & this was tearmed *Claſſicum cane, à calando*, which ſignifieth to call. Which being done, a skarlet banner was hanged out at the L. Generall his pavilion: frō which ceremony I think that that common adage did firſt ariſe, *Conferre ſigna, & Collatis ſignis pugnare*, to joyne battle. Immediatly upō this they did *Barritum tollere*, make a great ſhout or noiſe with their voices to the greater terror of their enemies: & that the noiſe might be the greater, they did *Arma concutere*, ruſtle together with their armour, and claſh their ſwords. Theſe foure ceremonies are to be ſeen more at large in ‖ *Lipſius*. Vnto which we may adde the fift, obſerved by ¶ *Fr. Sylvius*; namely that at the removing of their campe they did *conclamare vaſa*, give a great ſhout or cry in token that the ſouldiers ſhould truſſe up their bagge and baggage: & hence it is that ‡ *Plautus* uſeth this phraſe, *Colligatis vaſis*, to ſignify as much as *paratè* or *expeditè*. Now that they might be the readier for battle, they did gird (as I ſuppoſe) their ſouldiers coates cloſe unto

† Lip. de mil. Rom. lib. 1. dial. 8.

‖ Lib. 4. de milit. Rom. dial. 11. & 12.

¶ In ep. vitor. illuſt. l. 4. ep. 1

‡ Plaut. in Pſeudolo.

* Lipſ. de mil. lib. 1. dial. 6.

unto them; & a souldier thus girt was called *Cinctus*, that is, (saith *Pighius*) *Cinctu tutus.* [o] *Inde distinctos ignavos, & militiæ minime aptos putârunt, Præcinctos verò fortes, & strenuos.* Hence also is that proverbiall speech, *In præcinctu stare* or *Vivere*, to be in a readinesse continually.

Non pudet ad morem discincti vivere Natta. Pers. Sat. 3.

[o] Pigh. in sua præt. ad lib. 1. septim.

[o] Alex. Gen. dier. l. 1. c. 20.

Cap. 2.

De Legione, Auxiliis, & Legionis partibus.

THE *Roman* forces were in old time divided into two severall parts; namely *in Legiones & auxilia*, into Legions and Auxiliary bands. The Auxiliary bands were such forces as the neighbour and confederate countries did send unto the *Romans*. The Legions were taken out of the body of the *Romans*, [p] *Legio, à diligendo dicta est*, from the choice and selecting of souldiers. [q] *Romulus* is said to have been the first author of these Legions, making every Legion to containe three thousand footmen, and three hundred horsemen, [r] one thousand footmen & one hundred horsemen being taken out of each nationall Tribe. Afterward it was augmented by *Romulus* himselfe into foure thousand footmen; [f] whence it was called *Quadrata legio*. And in processe of time a legion increased unto the number of six thousand: which number itseldome or never exceeded (as it appeareth by *Sigon.* in the place now quoted.) Now [t] none could be ordinarily registred for a souldier untill the seventeenth year of his age, [u] at which his first admission he was tearmed *Tyro*, a fresh-water souldier: and hence figuratively *Tyrocinium* hath not been translated only the first entrance into warre, but also the initiation or first entrance into any art or science whatsoever. After he had served many years, then was he tearmed *Veteranus*, an old beaten souldier. [x] The *Roman* legion was divided *In pedites & equites*, there being

[p] Plutarch. in Romulo.

[q] Rosin. anti. lib. 10. cap. 4.

[r] Sig. de jure Rom. l. 1. c. 15

[f] Sigon. ib.

[t] Alex. Gen. dier. l. 1. c. 20.

[u] Pancirol. l. rerum deperdit. cap. de habit. & vest. veter.

[x] Sig. de jure Rom. l. 1. c. 15

being commonly for every thousand footmen an hundred horsemen. *Pedites distributi erant in Cohortes; Cohortes in Manipulos; Manipuli in Centurias: Equites distributi erant in Turmas, Turma in decurias.* The word *Cohors* doth signify that part of ground, which is commonly enclosed before the gate of an house, [y] which from the same word wee call a court: & [z] *Varro* giveth this reason of the *Metaphor*. As in a farme house (saith he) many out-buildings joyned together make one incloſure: so *Cohors* consisteth of several maniples joyned together in one body. It is manifest (saith [a] *Alexand.*) that the *Romans* in ancient time did very seldome, yea never (except in great neeessity) inroll into their universall army aboue foure legions: & in an ordinary legion, which he tearmeth *Legionem justam*, ten *Cohortes*; every *Cohors* containing 3 maniples, every maniple two Centuries, every Century an hundred souldiers: whence they from *Centum* were called *Centuria*, a century: [b] These centuries were sometimes divided into lesser numbers called *Contubernia*; every *Contubernium* containing ten souldiers besides their captain, [c] which was called *Decanus*, and *caput Contubernii*. Where we must observe, that *Contubernium* doth signifie as well the pavilion or lodging it selfe, as the souldiers lodging therein: & it may be so called *quasi contubernium*, from *Taberna* signifying any slight lodging made of boards. Those that ruled over a thousand footmen we may in English call Seriants maior: They called them *Tribuni militum*. Those that governed over the centuries were called by them *Centuriones*, by us in English Centurions, and they had their inferiour officers under them which were called *Tergiductores*, or *Extremi agminis ductores*. [d] Their office was to oversee and look unto those of the camp which were sick, who commonly came behind the army, *quasi extremum agmen, & tergum aciei*. The horsemen were divided into severall troopes, called *Turmæ*, every *Turma* containing thirty horsemen. Again every *Turma* was subdivided into three lesse companies called *Decuriæ*; every

y Edmunds in his observ. upon Cæsars Comment. lib. 2. c. 3.

z Varro lib. 3 de re rustica.

a Alex. Gen. dier. l. 1.

b Varro vid. Rosin. ant. Rom. l. 10. c. 5

c Rosin. ibid.

d Veget. vid. Rosin. ant. Rom. l. 10. c. 7

Decuria cõtaining ten horsemen: whence their captain was called *Decurio*, and the captaines over the greater troopes, namely over the several wings of the horsemen, were called *Equitum præfecti*. Now the chiefe governour over the universall army was called commonly *Imperator*: we in English call him a L. Generall. His Lieutenant or L. deputy was called *Legatus*,[e] who in old time was sent *non tam ad imperandum, quàm ad consulendum imperatori*. This word *Imperator* in the Roman histories hath a threefold acception: first it is taken for him, who by commission from the state hath the managing of an army, being the same that *Prætor* was in ancient time: and in this sense it hath affinity with the office of our L. Generall. Secondly, for such a L. Generall, who by his prowesse having put [f]one thousand of his enemies to the sword, was both by his souldiers saluted, and the Senate styled by the name of *Imperator*. But if hee had slain lesse then one thousand, he was not thought worthy of this solemn salutation by that name. Lastly it was taken for a soveraigne Prince, King, or Monarch, in which sense it was the *Prænomen* of all the *Roman* Emperours, from *Iulius Cæsar* forward. Now because the souldiers in a legion must of necessity differ much in estate, age, and experience, some being wealthier, elder, & of more experience then others; hence was it requisite also, that there should bee a distinction of places in their armies, according to the desert and worth of each severall person. We are therefore likewise to understand [g]that the *Consuls* every yeare made a generall muster: at which time the military Tribunes chose out the youngest and poorest of all the rest, and called them by the name of *Velites*. Their place in regard of other souldiers was base and dishonourable, not only because they fought a far off and were lightly armed; but also because they were commonly exposed to their enemies as forlorne hopes. According to [h]*Lipsius* these *Velites* were cõmonly placed either *In Fronte, Viis*, or *Cornibus*. 1. In the front of the army. 2. In the distances

e Lipſ. de mil. Rom. lib. 2. dial. 10.

f Barth. Latom. in Phil. orat. 14.

g Lipſ. de mil. Rom. l. 1. di. 3

h Lipſ de mil. Rom. lib 4. dial. 3.

stances, or spaces between the several maniples; h in *Cornibus*, that is, in the wings of the battle. Not that the wings at any time consisted of those *Velites*, for that was the *Socii* and Auxiliary forces; but either the spaces in the wings were filled up by those *Velites*, or else they might obtain a promiscuous place among those formers. Notwithstanding they did like scouts run too and fro casting out their darts (as occasion was offered) and to retire: whence when a man doth leap from one thing to another in his talk, we say hee doth *Agere velitatim*. Having chosen out a competent number of these scouts, they proceeded to the choice of them, which they called *Hastati*, that is, Pike-men: forasmuch as they fought with a kinde of javeling, which the Romans called *Hasta*. These pike-men fought in the first part or fore-front of the main army. The third choice which they made, was of the strongest and highest bodied men, who for the prime of their age were called *Principes*: and hence was the second place or ward in the main army called *Principia*, according to i *Thraso* his speech, *Ego ero post principia*, that is, I will follow the *Principes*; thereby choosing to himselfe the best, & safest place. The last sort of souldiers, which stood in the third place or ward, were callled *Triarii*. They were of all, the most approved, and the very last help or refuge; so that if they failed, all was lost: and hence ariseth that forme of speech, *Ad triarios ventum est*, k whereby wee signifie that a thing is come to the last push. As I suppose, the weapon, wherwith these *Triarii* fought, was a dart with yron fastned at the end of it, called in Latin *Pilum*. The reasons of this my conjecture are these: first because the first century of these *Triarii* was called *Primum pilum*, & their centurion *primopilus*, and *primipilus*, and *Primus centurio* because he was the chiefe Centurion in a whole legion, as having the charge of the chiefe banner called the Eagle; l whence *Aquila* is sometimes used to signifie *Primopilatum*, the office and place of the *Primopilus*. The second Century was called *secundum*

i Terent. Eun. Act. 4. Scen. 7.

k Alex. Gen. dier. l. 5. c. 15.

l Lips. de mil. Rom. lib. 2. dial. 2.

pilum, and their Centurion *Secundi pilus*, &c. Secondly, they called the *Principes*, which marched in the battle immediatly before these *Triarii*, *Antepilanos*: which argueth that those souldiers which followed next should bee the *Milites Pilanos*, & by consequence their weapon should be that kind of dart which they called *pilum*. Their manner of embattling was divers. Sometimes they would make a winged army so that the main body thereof should be in the midle, and on each side a lesser company: The main body wee in English call the Hauntgard, and the two lesser companies wee call Wings; as likewise in Latine they called them *Alas aciei*, and *dextrum vel sinistrum eorum*. [m] *Pancirollus* calleth them *Vexillationes*, because there fought no more in either wing, then belonged to one banner, called in Latine *Vexillum*. The governours of these wings hee calleth *Alarum Prafectos*. Sometimes they embatled so that the forefront of the Army being small, it was enlarged bigger and bigger backward, in manner of a triangle: By [n] *Lipsius* it is demonstrated unto us under the form of the Greek letter Δ. Hee in the same place calleth it *caput porcinum, quia velut fodit, & ruit invadendo*. Commonly it is called *Cuneus militum*, the *metaphor* being borrowed, not only from the resemblãce it had with a wedg but also from the use of a wedge: for they never embatled in that form, unless it was to break through their enimies, the piercing angle being thick compacted with targets. Sometimes they did in a quite contrary manner, enlarge their army in the fore-front, making it to end in an angle: & [o] this they called *forfex* & *Forceps militum*. Sometimes their form of embatling was circular, & then was it called *Orbis, vel globus militum*. The banner or flag was properly called *Vexillũ*, being a diminutive of *Velum*. It was also called [p] *Bandum*: whence we doe at this day call so many souldiers as do fight *sub eodem bando*, a band of souldiers: as *Romulus* called those that fought *sub eodem minipulo fœni* (an handfull of hay being used at that time insteed of a flag) *Manipulum militum*, *Ovid. Persita*

m Pancir. in notit. orient. & occident. imper. c. 32.

n Lipsi. milit. Rom. lib. 4. dial. 7.

o Lipsi. ibid.

p Festus. vid. Panc. in not. orient. & occident. imp. cap. 32.

Percita suspensos portabat longa maniples,
Unde manipularis nomina miles habet.

† *Suidas* is plain, Βάνδον καλοῦσι ῥωμαῖοι τὸ σημεῖον τὸ ἐν πολέμῳ, that is, The Romans called their military ensigne a Band: hence others have used Βανδοφόρος, to signifie as much as *Signifer*, an Ancient bearer. †Suid. in voce Βάνδον.

CAP. 3.

De oppugnatione urbis, & iis quæ ad oppugnationem requiruntur.

IF the siege of a town seemed difficult and hard to compasse, then did the Romans use certain meanes of policie, for the better effecting thereof. They environed the town with a broad & deep ditch, adding thereunto a ram pier, fortified with many castles and fortresses; whereby they both kept the town from any forraign succour, and withall secured themselves from sallies, and other stratagems. This rampier did extend it selfe toward the walls of the city; so that by making (as it were) a great hill, they might overtop the city, and fight with the greater advantage. Now that this greater heap of earth might become firm, and well able to support the buildings to be erected upon it, they did cast in such timber, and stones among the earth; and this heap of earth, stones, and timber when it was reared, was properly called *Agger*; whence commeth both the Latine verb *Exaggerare*, and the English to Exaggerate, that is, to amplifie or encrease a matter. The stakes, posts, and trees, which were rammed in about this bulwark, or rampire to upold the earth, were sometimes called [q] *Cerui*, because of their forked and sharp tops, but more properly [r] *Valli*, and *Valla*. The distance or space between each stake, was called *Intervallum*; though now *Intervallum* doth signifie not only such a distance, but any distance either of space, or time, as it appeareth

[q] Lips. Poliorc. lib. 2. dial. 2.
[r] Serv. Æneid. lib. 10.
[s] Cic. ep. fam. l. 1. ep. 7.

reth by that of [s] *Tully, Intervallo locorum, & temporum disjuncti.* Sometimes *Vallus* doth signifie a pole or stake, whereunto vines are tied, according to that received adage, which we use when a speciall friend forsaketh one, *Vallus vitem decepit.* From the first signification it is, that *Vallum* doth often signifie the incloſure, or hedging in of trees & ſtakes, where-
with the bulwark is upheld: alluding whereunto *A. Gellius* [t] tranſlateth ἔρκος ὀδόντων. *Vallum dentium.* The means of their defence, whiles they were making this their rampire, was a certain enging or ordinance of warre [u] made of planks and hurdles running upon wheeles, under which they might reſt ſecure from all ſtones and darts caſt from the walls of the city: It was called *Vinea.* A ſecond engine was *Muſculus*: The matter whereof it was made I have not read: but the uſe of it was, that under it the ſouldiers might approach unto the wals of the city, and undermine them. Thus much [x] *Lipſius* ſeemeth to infer, when he rendreth the reaſon of the name: *Muſculus ideò dictus, quia inſtar eius animaleuli foderent ſub eo terram.* A third meanes of their defence was *Militaris teſtudo.* This word *Teſtudo* in the art Military had a double acception, both being borrowed from the reſemblance of the *Tortoiſe* ſhell, which is the true and genuine ſignification of this word. In the firſt acception *Teſtudo*, [y] doth ſignifie a warlike engin or fence made with boards covered over with raw hides, which ſerved againſt fire and ſtones caſt at the ſouldiers, under this they might ſafely aſſaile the wals. [z] In the ſecond acception it ſignified a target-fence, which was a cloſe holding together of targets over head like a vault or rooſe, wherewith the footmen did defend themſelves from the thick ſhot of arrowes or ſlinging of ſtones. Their rampier or countermour being finiſhed they uſed certain great timber towers made upon wheeles to runne too and fro, which they called *Turres ambulatoriæ*, moveable turrets. Theſe towers had many ſtories one over the other, [a] wherein they carrying ladders and caſting bridges thereby to ſcale the wals

[s] Cic. ep. fam. lib. 1. ep. 7.

[t] A. Gel. Noc Attic. l. 1. 15.

[u] Roſin. ant. Rom. lib. 10. 16.

[x] Lipſ. polior. lib. 1. dial. 9.

[y] Roſin. ant. R. l. 10. c. 16.

[z] Stad. in Flo. l. 4. c. 10.

[a] Roſin. ant. Rom. lib. 10. cap. 16.

wals. The engines hitherto haue been defensiue, such where with the *Romans* defended themselues in their siege: other there were offensiue, wherewith they did assaile the citty; and of those the chiefe were *Balista sive Catapulta, Scorpius sive Onager, Aries & Mulleoli*. The first of these engines as it was called *Balista ἀπὸ τῆς βάλλειν*, from darting or casting forth any thing, [b] so was it in old time called *Catapulta ἀπὸ τῆς κατὰ πάλλειν*, which signifieth a shaft or dart; though it cannot be denied, but that *Pelta* doth also signifie a kinde of shield made in the forme of an halfe moone, according to that of *Virgil. Æn. lib.* 1,

[b] Lipſ. poliorc. l. 2. dial. 2.

Ducit Amazonidum lunatis agmina peltis,
Penthesilea furens ———

The form thereof followeth, translated word for word out of [c] *Marcellinus*. (Between two planks there is set in frame, and fast joyned a strong and big yron, reaching out in length after the manner of a good great rule; out of the round body whereof, which is artificially wrought, there lyeth forth farther out a foure-square beame, made hollow with a direct passage in manner of a narrow trough, tyed fast with many cords of sinewes twisted one within the other, and thereunto are joyned two wooden skrewes; neere unto one of which standeth the cunning Balister, and subtilly putteth into the hollow passage of the beam a wooden shaft with a big head glewed fast to it. This done on both sides, two lustie young men doe bend the engine by turning about certain wheels. When the top of the head is drawne to the uttermost end of the cords, the shaft being carried forth of the Balista, by the inward force thereof, it flyeth out of sight. That the reader may receiue the more light in the understanding of this obscure descriptiõ, I haue added the very words of *Marcellinus*. [*Ferrum inter axiculos duos firmũ compaginatur & vastum, in modum regulæ maioris extentum: cuius ex volumine teretis, quod in medio ars polita componit, quadratus eminet stylus extensius recto canalis anguſti meatu cavatus, &*

[c] Am. Marc. l. 23. cap. 3.

hoc

hac multiplici chorda nervorum tortilium illigatus: eiq; cochlea duo lignea coniunguntur aptissimè, quarum propè unam adsistit artifex contemplabilis, & subtiliter adponit in temonis cavamine sagittam ligneam, spiculo maiore conglutinatam, hocq; facto hinc inde validi invenes versant agiliter rotabilem flexum. Quum ad extremitatem nervorum acumen veneris summum, percita interna pulsu à balista ex oculis evolat. In respect of its use we may english it a Crosse-bow: but it was much bigger, & of a different form. The *Scorpion*, which now they call *Onager*, is described by *Marcellinus* in the same place thus. Two oaken or elm beames were hewne out, and somewhat bended so that they seem'd to bunch out in backs; & these in manner of a † saw engin are tied fast together, being bored through with wide holes, through which (by the meanes of those holes) strong cords are tied, keeping in the whol frame that it start not asunder: * From between those bunches, another wooden beam reaching forth overthwart, & in a manner of a wain-beam erected up, is tied with such devises unto certain ropes, that it may be pulled up higher, or let down lower at ones pleasure; and at the top thereof certain yron hooks are fastned, from which hooks there hanged down a certain sling either of yron or tow: Vnder which erected beame there lyeth a great piece of haire-cloath, full of small chaffe, tied fast with cords, & placed upon a banck of turfes, or a heap of bricks. When therefore it commeth to the point of skirmish, a round stone being put into the sling, foure young men on one side loosing the beames, into which the ropes are incorporated, doe draw back the erected beam unto the hook. Thus at length the master of the engin standing in some high place, giving a mighty stroke with a hammer (and as I suppose upon the cord, whereunto the erected beame was fastned, with his hook) setteth open the railes, that containe the whole work, insomuch that this erected beam being now at liberty with that quick stroke, and hitting against the soft haire-cloath, it hurleth out the stone, that

† *Machinæ serratoriæ.*

† Ab hac modietate testium) *Here wee must note that* vbi *signifieth* vsion *of* testes *is borrowed from the Anatomists which doe cal certain eminent parts behind.*

Testes Vid. Fuchs. instit. med. l. 1. Sec. 5

that will batter whatsoever is in the way. And it is called *Tormentum, quod ex eo omnis explicatio torquebatur*. It is also called *Scorpio*, because when the long beam or tillar is erected, it hath a sharp top in manner of a sting. The moderne time hath imposed unto it the name of *Onager*, that is a wild Asse, because that wild Asses, when they are coursed by hunters, sling back stones with their heeles a far off, so that oftentimes they pierce the breasts of them that follow them. The Latine word is made from the Greek ὄνος, that is, *Asinus & ἄγρα, rus, vel ager*. Now if any aske me, why that sackcloth or ashes was interposed, the reason is rendred by *Marcellinus* in two lines, which I purposely did not translate in their place, because I would continue the sense, without such a long *parenthesis*. The reason is there delivered thus, because the violence and force of the erected beam recoiling, after it had been by the stroke discharged, was such that it would shake in peeces the strõgest wals, except there were some soft thing interposed, whereby the forcible strength of the recoile might be by degrees slaked. The *Aries* or Ramme is described also by *Marcellinus* in the same place. [The Ram was a great tree, or beam *like unto a mast of a ship*, having a peece of iron in manner of a Rams head, fastned at the end thereof, wherewith they did demolish and batter down the wals of a City. It was hung unto a beam, which lay a crosse over a couple of Pillars, and hanging thus equally ballanced, it was by force of men pulled backward, and then recoiled upon the walls.] The Rams which *Titus* used at the siege of *Hierusalem*, ranne up on wheeles: which Rinde of Rams are described by *Iosephus*: There be, saith he, other manner of engines, as an iron Ram upon foure wheeles, bound with yron, and fastned with iron nayles, to this they make foure feet answerable to the bigneſse of the beam, and every foot hath his severall wheel, and when they will batter the wall, certain men first pulling it back, they recoile by the help of foure wooden leavers put in the hin-

der part thereof for that purpose. The head of this Ramme hath no hornes, but is blunt, made of the strongest kinde of yron, with a wonderfull thick neck. They have also of both sides of the Ram a pentise of wood for the safegard of those that recoile it. *Iosephus Ben. Gorion. de bello Iudaico.* In lieu of these Rammes another engine was found out, called *Helepolis, a iuuat urbes*, that is, *capio*, and עיר, that is, *civitas*: The form of it is to be seen also in *Marcel. ibid.* [There was (saith he) a *Testudo*, or vaulted frame made, strengthned with very long peeces of timber: it was covered over with Oxe hides, and green wicker hurdles, the upper part or convex superficies thereof was overlaid with mudde, to the end that it might keep off the fall of fire and casting of weapons. Now there were fastned in the front of it certain *Cuspides trisulcæ*, that is, yron pikes with three edges very massie, in manner of the thunderbolts, which Painters and Poets exhibit unto us. This great engine the souldiers ruling within with diverse wheeles & ropes, with main force they thrust it against the wals.] *Malleoli* (saith the same *Marcellinus*) were certaine darts fashioned on this manner: there was an arrow made of a cane, betwixt the head and the neck whereof was fastned an iron full of clefts; which arrow like unto a womans distaffe, on which linnen is spinned, was finely made hollow within the belly, yet open in many places. In the belly it received fire with fuell to feed upon; and thus being gently discharged out of a weak bow (for with an over-strong shooting the fire was extinguished) if it took fast hold on any place, it burned the same, and water being cast thereon, the fire increased, neither was there any means to quench it, but by casting dust on it.]Now if they could not prevaile by these engines called *Machinæ*, then did they make certaine passages under ground, which they called *Cuniculi* from *Cuniculus* signifying a cony-berry: insomuch that these two phrases are opposite, *Machinis*, and *Cuniculis oppugnare*, as it appeareth by that of [d] *Plutarch*, *Cæsar non nam cuniculis, sed*

[d] Plutarch in vit. C. Cæs.

sed machinis tollit rempublicam, that is, He doth not now covertly, but with open violence assault the common weale.

CAP. 4.

De Pœnis in Hostes devictos.

ALbeit after the victory the *Romans* inflicted divers degrees of punishment, according to the malice found in an enimie, yet were they alwaies compassionate, & (as histories testifie) more exorable then any other nation. The punishments which we finde them to have used towards a conquered nation are these: Either they punished them by death; or sold them *sub corona*; or dismissed them *sub jugum*; or mered them in taking away their territories; or made them tributary states. [e] An enimie was said to bee sold *sub corona*, when he being placed in the market place, a crown was put upon his head in token of such a sale: or therefore certain captives were said to be sold *sub corona*, because at such times they were environed about with souldiers to keep them together; and this circle of souldiers, as likewise of all other companies, is called *Corona*. When they dismissed any *sub jugum*, [f] they erected two speares with a third lying a crosse in manner of a gallowes: then they caused them being disarmed, and their belt taken away to passe under in token of bondage. When their territories were taken from them, they were commonly conferred upon old beaten souldiers, in way of remuneration for their faithfull service. This transplantation was tearmed *Colonia deductio*: and the place ever after *Romana colonia*, that is, a Roman Colonie. At which times they chose out every tenth man, *viz.* such as were able and of best sufficiency to make & establish a publique councell, [g] whom they named *Decuriones*. Whence we may observe, that *Decurio* is not alwaies taken for a Captain over ten horsemen, but sometimes it is used to

[e] A Gel. 7. c. 4

[f] Stad. in Flor. lib. 1. c. 12.

[g] Sig. de iur. Ital. l. 2. c. 4.

signifie an Alderman or chiefe Burgesse in a *Roman* Colony. These Colonies were of two sorts, some called *Colonia Latina*; others *Italica*. The Latin Colonies had *Ius civitatis suffragii & Magistratus capiendi, si in sua Colonia magistratum gessissent. Italicis autem, Ius civitatis & suffragii nullum erat, immunes tamen erant, nec tributum aut stipendium pendebant, ut provinciæ solebant. Turneb. adverss. l. 1. c. 11.* Diverse times the *Romans* would be content after the conquest to grant to their enemies a peaceable injoying of their lands & possessions, conditionally, that they would yeeld all faithfull allegiance unto the L. Deputy, whomsoever the *Senate* of *Rome* should place over them. The L. Deputy was either stiled by the name of a *Propretor*, a *Proconsul*, or a *Prafectus*. Those places where the two first sorts of governours did rule, were termed *Provinciæ*; the other from the governour was termed *Prefectura*. Where we must observe that this word *Provincia* hath a threefold acception: First it is taken for a country, which by the force and power of armes is subdued to the Roman Empire, and governed by some Roman Deputy sent from the Senate: & this is the proper & primitive signification thereof, it being so called, [b] *Quod populus Rom. eam provicit, id est, ante vicit*. Secondly, it is taken for any region or country, where the L. Generall or chief Captain over a *Roman* army doth mannage warre against any nation by commission from the *Senate*. Lastly, it signifieth any publike function, or administration of office, yea any private duty, charge or task either undertaken, or imposed, according to that of [i] *Terence, Provinciam cœpisti duram*, that is, thou hast undertaken an hard task. Now the tribute to be paid was either certain or uncertain: The certain was properly called *Tributum vel Stipendium*; and those who paid it were tearmed *Tributarij sive Stipendiarii*: and this Tribute was of two sorts, either ordinary, such as was required from every house yearely, even in the time of peace; or extraordinary, such as was levied by a law or decree of the *Senate* towards unexpected

[b] Pigh. lib. Tyrannis.

[i] Terent. in Phor.

pected charges. The uncertain tribute [k] properly called *Vectigal*, was either impost-mony, such as was collected in haven townes for the transportation of merchants wares, and that was called from *Portus*, *Portorium*, or from *Porta*, *Portarium*, and the receavers thereof *Portitores*. The wares after the impost mony had been paid, were sealed by the *Publicanes* with a certain kinde of tempered chaulk: and this is that which *Cicero* understandeth by *Asiatica creta. orat. pro Flacco*: or tithe corne, namely the tenth part of their graine, and that was called from *Decem*, *Decuma*, and the receavers thereof *Decumani*, though *Decumanus* when it is an adjective signifieth as much as *Maximus*, according to that of *Ovid. lib. 1. de Trist.*

Qui venit hic fluctus fluctus supereminet omnes;
Posterior nono est, undecimoq; prior.

The reason of this signification is [m] supposed to be, because in *Arithmaticke* amongst simple numbers the tenth is the greatest: or lastly that mony which was paid by certaine heards-men for pasturing their cattle in the *Roman* fields and forrests: This kinde of tribute was called *Scriptura*, and the pastures *Agri Scriptuarii*, because (as [n] *Festus* saith) the Bayliffe or receaver of this mony, called *Pecuarius*, did *Scribendo conficere rationes*, that is, keep his account by writing. Where we muh note, first, that all these kindes of Tributes were not only required in Provinces or Countries subdued, but throughout *Italy*, even in *Rome* it selfe: Secondly though each collectour of these Tributes was distinguished by a peculiar name; yet by a generall name they were all called [o] *Publicani*, in as much as they did take to rent these publike tributes. The chiefe of them, which entred into bond, as the principall takers or farmers of these tributes *Tully* calleth *Mancipes*: The others which were entred into the same bond as sureties, were termed *Prædes*. Many times the *Romans* did bestow the freedome of their city upon forreigne countries; & the degrees of freedome were proportioned accordingly

k Sig. de jur. Rom. l. 1. c. 16
l Stadius in Flor. l. 3. c. 13
m Fr. Sylv. in viror. illust. ep. 2. l. 1.
n Sig. de iure Rom. l. c. 4.
Cic. de Arusp. respons. & alias sæpe.

as the countries were. Some they honoured with the name of *Roman* citizens, but excluded them frō the right of suffraging, leaving them also to be governed by their own lawes and magistrates. This state they called a *Municipall* state, in Latine *Municipium*, because they were *Muneris hujus honorarii participes*. p By *Munus honorarium* in this place is understood nothing but the bare title of a *Roman* Citizen, whereby they were priviledged to fight in a legion as free Denisons, not in an auxiliary band, as the associats. Now the first that ever obtained this Municipal state, were the *Cerites* who for preserving the holy things of *Rome* in the time of the warre against the *Gaules*, were rewarded with the freedome of the city, but without power of suffraging: q From whence it is, that those tables wherein the *Censors* inrolled such as were by them deprived of their voices, were called *Cerites tabulæ*; *Horace* calleth such a table *Ceritem ceram*, for the reason shewn before. But we must withall observe, that some Municipall townes have either by desert or instant suit obtained the liberty of suffraging also, which occasioneth that receaved distinction, that there was *Municipium sine suffragio*, & *Municipiū cum suffragio*. Other countries which could not be admitted into the freedome of the City, have obtained, and that not without speciall & deserved respects to be associats and confederats unto the state of *Rome*. The inhabitants of such countries were sometime called *Socii*, sometimes *Amici*, sometimes *Latini nominis socii*, &c. The King or Prince of such a country did stile himselfe *Amicus & Socius Senat. & Pop. Rom.* Here wee must observe a difference between *Pactio* and *Fœdus*, both signifying a kinde of league. That truce which in time of war is concluded upon and accepted of both sides for a certain limited space of time, is properly called *Pactio*; we commonly call it *Induciæ*; and it differed from *Fœdus*: first because that *Fœdus* is a perpetuall truce or league, secondly because it was necessary, that one of those Heralds at armes called *Fœciales*, should by

p A. Gel. no& Attic. l. 16. cap. 13.

q A. Gel. ib.

r Sig. de jur. Ital. l. 1. c. 1.

s Sigon. ib.

a

a ſolemne proclamation confirme this league called *Foedus*, neither of which cõditions was abſolutely requiſite in their truce tearmed *Pactio*.

Cap. 5.

Mulcta militares, quibus milites Romani ob delicta afficiebantur.

TOuching the punishments that the *Roman* L. Generall uſed towards his own ſouldiers, when they were faulty, they were commonly proportioned unto the fault committed: Sometimes they were eaſie, of which ſort were alſo thoſe puniſhments which did only brand the ſouldiers with diſgrace: other times they were heavier, ſuch as did hurt & afflict the body. To the firſt ſort belonged theſe: Firſt *Ignominioſa dimiſſio*, that is, a ſhamefull diſcharging of a ſouldier, whē he is with diſgrace removed from the army. Secondly, *Frandatio ſtipendii*, that is a ſtopping of their pay: & ſuch ſouldiers which ſuffered this kind of mulct, were ſaid to be *are diruti*, [f] becauſe *Aes illud diruebatur in fiſci, non in militis ſæculum.* 3ly, *Cenſeo haſtaria*, whereby the ſouldier was injoyned to reſigne and give up his ſpeare: for as thoſe which had atchieved any noble act, were for their greater honour *Haſta pura donati*, ſo others for their greater diſgrace were inforced to reſign up their ſpeare. Fourthly, the whole *cohors*, which had loſt their banners, were compelled to eat nothing but barly bread, being deprived of their allowance in wheat: & every Centurion in that *Cohors* had his ſouldiers belt or girdle taken frō him, which was no leſſe diſgrace amongſt them, then it is now amongſt us, that a Knight of our order of the Garter, ſhould be deprived of his Garter. 5ly, for petty faults they made them to ſtand barefooted before the L. Generall his pavilion, with long poles of ten foot length in their hands: & ſometimes in the ſight of the other ſouldiers

[f] Roſin. ant. l. 10. c. 25.

souldiers to walk up and down with turfes on their necks. In the last of these they seemed to imitate their city discipline, whereby malefactors were injoyned to take a certain beam resembling a fork upon their shouldiers, & so to cary it round about the town; It hath some affinity with our carting of queanes here in England. In the first we haue no custome that doth more symbolize, then the standing in a white sheet in the open view of a congregation. The last of their lesser punishments, was the opening of a veine, or letting the bloud in one of their armes: which kinde of punishment was used towards those alone, which (as they conceited through the abundance of their hot bloud) were too adventurous & bold. The heavier kinds of punishment were these: first *Virgis, vel Fustecedi*, to be beaten with rods; or with staves & cudgels. None were ordinarily beate with cudgels but those who had not discharged their office, in the sending about that table called *Tessera*, wherein the watchword was written; or that had forsaken their place, where they were appointed to keep watch; or those who had stolen any thing from out the camp: or borne false witnesse against their fellowes, or abused their bodies by women: or lastly, that had been punished thrice for the same fault: those which were in this manner cudgelled, were often killed in the place: but if they escaped alive, they went to live in perpetuall exilement. The ceremony used in this kinde of cudgelling was that the [a] knight Martiall should lightly touch the party to be punished with a club, which being done, all the souldiers did beat him with staves and cudgels, whence we may say of one that deserveth a good cudgelling in [x] *Tully* his phrase *Fustuarium meretur*, *Polybius* calleth it ξυλοκοπίαν. *Vid. Lipsi. de milit. Rom. lib. 5. dial. 18.* If a *Roman* souldier had broken his rank by going out of order, then *Virgis cedebatur*, that is, he was scourged with rods. Sometimes the knight Martiall upon just occasion would cause them to bee sold for bondslaves, to be beheaded, to be hanged. All these punishments were

[t] Alex. Gen. dier. l. 2. c. 13.

[a] Trib. milit.

[x] Cic. orat. Phil. 3.

were personall or particular, there remaineth one which was generall, namely when the fault was generall, as in their uproares, conspiracies, &c. Vpon such occasions the souldiers were called together, and every tenth man upon whom the lot fell was punished with that kinde of cudgelling aboue spoken of; all the others escaped either without punishment or with very litle. The punishment it selfe was termed *Decimatio legionis*, and the reason of this kinde of punishment is rendred by *Tully: ut metus vizad omnes, pœna ad paucos perveniret.* Sometimes such was the clemency of the L. Generall that he would punish only the twentieth, nay the hundreth man, and then was it called *vicesimatio, vel centesimatio legionis*. Cic. pro Cluent.

Cap. 6.

De donis militaribus ob rem fortiter gestam.

Concerning the rewards which were bestowed in war, some were by the Senate conferred upon the L. Generall, others were by the L. Generall conferred upon his souldiers. Those honours which the L. Generall received were three. First *Nomen imperatoris*, of which before. Secondly *supplicatio*, that is, a solemne procession continued for many daies together, sometimes more, sometimes fewer: all which daies the *Roman* people did observe as holy daies, offring up daily prayers and sacrifices to the Gods in the behalfe of their L. Generall. The custome being that after some notable victory, the souldiers having saluted their chiefe captain (whom I call their L. Generall) by the name of *Imperator*, then would he send letters unto the Senate dight with lawrell, wherein he required both that name to bee confirmed & approved by them, as likewise that they would *Decernere supplicationes*, that is, appoint such solemne supplications. Thirdly, they honoured him at his comming home also with a triumph. *Triumphus vel major, vel minor erat*, saith

Alexander. The lesser kinde of triumph was properly called *Ovatio ab ove*, from a sheep, which in this time of his triumph was led before him, and afterward sacrificed by him, as also in the greater triumph (called properly *Triumphus*) the L. Generall sacrificed a bull. It differeth from the greater triumph first in the acclamation, for in the lesser triumph the souldiers following did as it were redouble this letter O & some are of opinion that it was therefore called *Ovatio*. In the greater triumph the souldiers followed crying *Io triumphe, Io triumphe*: an example whereof may be seen in [a] *Horace*, where he describeth the triumph of *Bacchus*, the first author of this greater triumph; from whose name also divers Authors doe derive this word *Triumphus*, hee being in Greek called θριαμβὸς, which by a little change is made *Triumphus*. Secondly they differed, because in the greater Triumph, the L. Generall did weare a garment of state, called by some *Trabea*, [c] by others *Trimmphalis, Picta, vel Aurata vestis*; likewise a garland of lawrell, riding in a chariot, the *Senators* themselves with the best of the *Romans* meeting him his souldiers with their coronets, their chaines, & other rewards following after. But in the lesser triumph the L. Generall did weare a plain purple gown without any gold imbroadering, and a garland of mirtle tree, [d] commonly going on foot, sometimes permitted to ride on a horse, the gentlemen and comonnalty of *Rome* alone, without the *Senators* did meet him. Moreover for a perpetuall memory of this their triumph in sothe publike place certain trophies were erected. [e] *Trophæum monumentum dixere, vulgo marmoreum, modo æneum, cum inscriptione & titulis avo perpetuo duraturis.* [f] *Victima est, Sus & Taurus, idest, A Converse*, from making the enemies to retire and turn backe. Sometimes there were statues, columnes, and arches built in token of triumph. These arches though commonly they were known by the name of *Arcus triumphales*, yet sometimes they are called *Pontes*, whence it is that *Tully* calleth *Fabius* triumphall arch

[z] Salmuth. in Pancir. l. rerũ deperd. cap. de triumph.

[a] Ode. 2. l. 4.

[b] Salmuth. in Pancir. l. rerũ deperd. cap. de triumph.

[c] Alex. Gen. dier. l. 6. c. 17.

[d] Dion. Hal. lib. 5.

[e] Alex. Gen. dier. l. 1. c. 22.

[f] Serv. Æneid. lib. 10.

[g] Fr. Sylv in orat. Cic. pro Cn. Plancio.

with *Fabianum forenicem*. If it fel happned that the *Roman* Generall himselfe personally, did take away any spoiles frō the chiefe captain of the enemies; then did hee hang them up in a temple consecrated to *Iupiter Feretrius*, who was so called, because the *Romans* coecited, without the speciall assistance of *Iupiter*, *Duxdacem ferire non poterat*: these spoiles had the name of *Opima spolia*, that is, Royall spoiles. The rewards bestowed upon the souldiers were divers: either places of office, as the place of a Centurion, of a *Praefectus*, a *Decurio*, &c. or their pay was increased, the spoiles distributed amongst them, or lastly they receaved certaine gifts retined *Donatiuaria*. In ancient times those souldiers which had well deserved, receiued a certain measure of corne called by them *Adorea*; and hence it is, that *Adorea* is now used to signifie such laude and praise, as is due vnto a souldier. But after ages for the better encouraging of the souldiers, have found out more honourable rewards, of which [k] these were the chiefest; *Armilla*, that is, a bracelet for the handwrest; *Torquis*, a chaine to weare about their neck; *Phalera*, horse trappings; *Hasta pura*, that is, a speare having no yron at the end of it, (it is sometimes called *Hasta donatiua*, and *Hasta graminea*;) lastly *Coronae*, crownes, of which *Aul. Gel. lib. 5 cap. 6.* obserueth these to haue been the chiefe: 1. *Corona triumphalis*, which in old time was made of Lawrell, but after ward of gold, and thence was it called *Corona aurea*: it was sent by the *Senate* vnto the L. Generall in honour of his triumph: Secondly *Corona obsidionalis*, which was given by the souldiers vnto the Generall, when they were freed from a siedge: it was made of grasse growing in the place, where the enemie besieged, whence it had the name also of *Corona graminea*. Now the reason why they made this crown of grasse growing in the place where they were besieged, was thereby to yeeld up their right in that place vnto their captain: for by that ceremony, as [m] *Plinie* obserueth, they did *herba & ipsa tellure humo & humorine*

[b] Alex. Gen. dier. l. 1. c. 14.

[i] Alex. Gen. dier. l. c. 18.

[k] Sig. de iure Rom. c. 15.

[l] Rosin. ant. lib. 10. c. 27.

[m] Plin. lib. 22 c. 4.

etiam cedere. And hence it is, that in races & the like matteries, he that was overcome, did gather some of the grasse of that place, & give it unto the conqueror, as a token that hee did acknowledge himselfe conquered; this is the reason of that Adage, *Herbam dare*, that is, to yeeld the victory. Thirdly, *Corona civica*, which was bestowed only upon him, which had saved a citizens life, though in processe of time it was also bestowed upon the L. Generall, if he spared a Roman citizen, when he had power to kill him. It was commonly made of oake, whence it was called *Corona quercea*. And this I take to be the reason why in *Ovids* time the Emperour had alwaies standing before his gates, an oak tree in the midst of two lawrels, as an Emblem denoting two worthy vertues required in all Emperours and Princes, first, such whereby the enemie might be conquered, secondly, such whereby citizens might be saved. Vnto this *Ovid* seemeth to allude, speaking of the lawrell tree.

Postibus Augusti eadem fidissima custos
Ante fores stabis, mediamq; tuebere quercum.

Fourthly, *Corona Muralis*: He only was honoured with this, which did first scale the wals, & enter first into the enemies city, and hence this crown was put upon the circlet or top like unto the battlements. Fifthly, *Corona Castrensis*. This the L. Generall bestowed on him, which first entred into the enimies tents; it did beare in it the resemblance of a Bulwark or at least of the mound, where with the bulwark was strengthned, which mound was called in Latine *Vallum*: & thence the crown it selfe was often called *Vallaris corona*. Sixtly, *Corona navalis*, with which he was honoured, which first entred into the enimies ship in a battle upon sea: it was portrayed with many ship-beakes called in Latine *Rostra*, whence the crowne it selfe was often called *Corona Rostrata*. That Roman *Hercules Siccius Dentatus* obtained almost all those severall rewards, and that each many times. Lastly, *Corona ovalis*, it was made of Myrtle-tree: the L. Generall

n Sakmuth. in Pancit I rerū. deperd. cap. de coronis.

o Pigh. l. Tyrannif.

p Ovid. Met. lib. Fab. 9.

q Dion. Hal. lib. 10.

r Pigh. l. Tyrannif.

s A. Gel. no. Attic. l. 2. c. 11

neralliſed it in the leſſer kinde of triumphs called *Ouationes*, from whence the Coronet it ſelfe was named *Ouilis*. It was then beſtowed when the Herald had committed ſome errour in denouncing war; or when the enimies conquered were of mean rank and place, as ſeruants or Pyrats; or elſe if the victory were gotten without bloodſhed or great hazard, the enemies yeelding without reſiſtance. *In quibus impulerunt & inuenerit in exiſtimatione, aptam eſſe V[illegible] neris frondem credidernnt, quod non [illegible] tione, ſed quaſi Victoriæ quidam [illegible] triumphi forte.*

FINIS.



INDEX RERVM ET Verborum maxime insignium.

Abrę Flaminio . . . 55
Aceo Laurentia quæ & ei cur sacra instituta? . . . 169
Acceusi qui? . . . 169
Accipere fiduciam . . . 240
Accumbendi ratio apud Romanos qualis? . . . 123
Acerra quid . . . 76
Acclaci ludi . . . 94
Actiones redhibitoriæ quæ? . . . 180
Actus in fabula nec plures, nec pauciores esse debent, quam quinq;. . . . 180
Addicere quid significet? . . . 179
Addicti bona . . . 179
Addicti servi . . . 179
Adiicialis ce . . . 60
Adorea quid . . . 273
Adscriptus . . . 179
Adversaria . . . 194
Adulterium . . . 187
Advocatus fisci . . . 173
Ædes sacra . . . 22
Ædes Saturni . . . 13
Ædiles unde dicti? . . . 179
Ædiles Ceriales qui? & unde dicti? . . . 180
Ædiles Cerules qui, & unde dicti? . . . 180
Ædiles plebeii qui? . . . 180
Æra Corybantia, & unde dicta? . . . 64
Æraril qui? . . . 188
Ærarium unde dictum . . . 13
Ærarium quomodo differat a fisco . . . 183
Ærarium sanctius . . . 13
Ære cirrati qui, & quare dicti? . . . 171
Æs Grave. } Signatum } . . . 240
Æs circa *Æs* & libram . . . 233
Æs per *Æs* libram venditio . . . 240
Æs Scalapii insula . . . 15
Æstivo unde? . . . 228
Æx Nixo quid? . . . 100
Agere ad populum . . . 216
Agere cum populo . . . 216
Agere de plano quid? . . . 208
Agere forum quid . . . 15
Agere pro tribunali quid . . . 208
Agere vehiculum . . . 259
Agere proprie quid . . . 261
Agnatus & gentiles deducendus est Servi . . . 233
Agonales Sabi . . . 57
Agonalia festa . . . 5
Agonii qui & unde dicti . . . 70
Agonium Capitolini . . . 93
Agonia Quinquennales . . . 94
Agrarię leges. vid. leges
Agri Scriptuarii . . . 269
Alæ cieti . . . 260
Alarum præfecti . . . 260
Alba toga quomodo differebat a candida . . . 152
Albi dies qui . . . 132
Albo-galerus . . . 55
Altare quid & unde dict. . . . 35

Alte-

Alte præcincti pro *a* pedicis dicti 88
Ambarvales hostiæ 247
Ambulatoria cœna 126
Amici pop. Rom. 270
Amicus & Socius Senat. & pop. Ro. 270
Amphitheatrum quid 198
Amphora Attica 218
Amphora Italica 218
Amphora mellaria 62
Ampliari quid 244 245 246
Ampliatio quid 246
An { auctor esset / sponderet / consideret } 249 250
Ancile cœlo delapsum 57
Andabatæ & Andabatarum mos. 194
Angues pinge duos, id est, duos serpentes 40
Angusticlavia 255
Angusticlavii 255
Annalis lex 220
Anniversariæ feriæ quæ 133
Annonæ præfectus 180
Annua lex 169
Annulati pedes 204
Annulus in nuptiis datus olim 72
Annus a Romulo institutus 128
quasi annulus 128
Bissextilis 130
Iulianus 129
Lunaris 128
magnus & vertens 130
Ante-cœnii quid, & unde dicti 121
Antepilani qui 269
Ante signani qui 278
Antiquo quid significet 396
In Aniliam damnari 285
Apex quid 55
Apex pileorum ex quo 69
Apollinares ludi quid 88
Arma Regis inverecunda 88
Aquila pro primipilatu 259
Ara quid & unde dicta 83
Aræ quare graminea dicta 83
Ad te tanquam ad Aram confugimus 4
Arca custodiæ genus 196
Archigallus quis & unde dictus 63
Arcus triumphalis 274
Arena 19
In Arenam descendere 19
Arenarii qui dicti 19
Aries Machinæ genus, & ejus descriptio 265
Arietem emisit prov. 39
Arma concutere 255
Armamaxæ 85
Armilla donum militare 245
Armis versis pugnare 100
Arvales fratres qui, quot, & unde dicti 47
Aruspices unde dicti 88
As 225 234
Asiatica Cista 269
Asylum A3
Ad te tanquam ad Asylum confugimus 4
Atellanæ unde dictæ 106
Atri dies qui 282
Auctio quid 245
Auctor quibus ni esset 245
Auctorati quales gladiatores 99
Auctoritas, jus dominii 235
Augurandi cæremonia 49
Auguratus semel alicui datus, eidem dum vixerat, adimi non potuit. 49
Augures unde dicti & eorum numerus initio; & deinceps quantus. 48
Auguria impetrativa 50

Auguria Oblativa 40
Augurla prospera & adversa quando dicta 40
Augurum Collegium 49
Augustales ludi 97
Augustus Octavius Cæsar dictus. 171

Avibus bonis & malis quid 48
Aves finistræ quid significet 31
Aurigarum factiones. 91
Aurum Coronarium quid & unde dictum 224
Auspicari rem quid 48
Auspices quasi Avispices 48
Auspicia bonis, malis 48
Auspicium coactum quid, & unde dictum 31
Auxilia quæ 236
Axare quid 42

B

B. F. in senatus consultis quid significet 162
Baliste quid, & unde dicta 263
A Band of souldiers our sie dict. 260
Bandum 260
Barrirum tollere 255
Basilica pars templi quæ 20
Basilica Pauli quæ 210
Basilicus jactus in ludo tesserario. 114
Bellare cœtus quid 92
Bellum quomodo indici solitum 59
Berecynthia unde dicta 63
Bessis quid 224
Bestiarii qui 202
Bisellium unde dictum 122
Bissextili annus qui 130
Bissextus dies quis 130
Bonæ Dea & quare dicta 82
Bupetii ludi 97
Busturia qui & unde dicti, 80.99
Bustum quid & unde dictum. 80.99

C

C. Litera condemnationis nota. 246
Cabalus mons 5
Caliburu hasta 72
Cælius mons 5
Cæsar, Iuventutis Princeps 172
Cæsar Nobilissimus 172
Cæsares 171.172
Caius Caia mariti & uxor dicti, 73
Calantica 156
Calata Comitia 134.233
Calcei lunati 157
Calcei mulleï 157
Calcei vincinati 158
Calculi Palamedaici 118
Calendæ 110
ad Calendas Græcas 110
Caliga 158
Calumniam jurare, dejurare 245
Calumniari, Prævaricari, Tergiversari quomodo differunt 239
Campus Martius quare dictus Tiberinus 15
Campus Sceleratus 14
Candida Toga 153
Candidatus Principis 153
Candidatus Quæstor 153
Candidatus unde 148
Canis & Canicula, jactatus in ludo tesserario 114
Canon, ut *Canon* Alexandrinus nobis Romæ

Lex Cincia 238
Claudia 218
Clodia de Comitiis 217
de cypro 224
de Frument. 227
de Interceſſ. 221
de Magiſtrat. 220
de Provinciis 224
ad religionem ſpect. 213
Cornelia Agraria 226
de Iudicibus 239
de Magiſtratibus 210
de municipiis 215
de Provinciis 222
de Sicariis, Veneficio, & Parricidio 247
Sumptuaria 230
Lex Didia 230
Domitia 113
Lex Fabia 241
Fannia 229
Furia 234
Fuſia 216
Lex Gabinia Comitialia 217
militaris 231
Gellia Cornelia 216
Lex Hieranica 238
Hircia 220
Lex incerta de nexu 239
Iudiciaria Cæſaris 237
Iulia de Iudiciis 237
de Majeſtate 241
de Provincii 223
Iunia de pecuniis repetundis, 244
de Peregrinis 215
Iunia Licinia de trinundino, 221
Lex Lætoria 232
Licinia de Sodalitiis 243
Sumptuaria 230
Licinia Æbutia 220
Lex Licinia Mutia 218
Livia 238
Lex Mancipii 240
Manilia comitialis 218
Militaris 231
Memnonia 239
Muneralis 239
Lex Orchia 229
Lex Papia 214
Papiria ad religionem ſpectans. 211
ad comitia ſpect. 218
Plautia 237
Pompeia 237
Portia 214
Lex Quadrupli 235
Lex Rhemnia 239
Roſcia 218
Rupilia 136
Lex Sempronia Agrariæ 226
de Civitate 214
de comitiis 218
Frumentaria 227
de judiciis 236
de Provinciis 232
Servilia de Civitate 215
de Iudiciis 236
Locialis 244
Sylvani & carbonis 215
Lex Terentia caſſia 229
Titia 233
Tullia de Ambitu 242
de Senat. 218
Lex Valeria 232
Varia 141
Varinia 224
Voconia 130
Labamina prima 70
Libatio 69
Libellos djicere 225
Libera toga 152
Liberi alii Ingenui, alii *Libertini* 32

Liberti 31
Libitini Libitinarii 78
Libitinarius idē quod capularius. 78
Libri unde? 136
Libripens unde 240
Librores qui & unde 160
Libum incidere 138
Librare 70
Lite vel causa cadere 210
in *Litem ivrare* 245
Litis contestatio redemptio, æstimatio quomodo differunt 244
Liberati 206
Lituus 49
Loculi 18
Luceres 26
Lucina Dea quæ 73
Lucus unde dictus 43
Ludorum Romanorum divisio 83
Ludi honorarii 98
Ludi Iuvenales 111
Ludi Plebeii 96
Ludi quinquennales 94
Ludi Romani, Magni Consuales, Circenses 89
Ludi sacri 83
Ludi seculares 95
Ludus Trojanus 110
Lugere differe ab elogere 82
Lupa alsit Romulum, & Remum expositos 43
Lupercal ubi 43
Lupercalium origo & ceremoniæ 43
Luperci Fabiani 44
Luperci Quinctiliani 44
Lupercorum licentia 44
Lusoria tela 100
Lustrum 166
Lustrum condere 166

M

Machinæ bellicæ 269
Machinis oppugnare 266
Mactare hostiam 70
Magister per se quid 188
Magister Collegii 49
Magister Equitum 175
populi *Magister* 175
Magistratu abire 148
Magistratum ambire, inire 148
Magistratus quis 159
Magistratus majores 140. 159
minores 159
Magistratus patritii, plebeii 159
Magistratu Quinquedecimus 174
Magna mater 63
Mala mansio 196
Malleoli, genus machinæ 266
Mancipatio 232 240
Mancipatio fiduciaria 240
Mancipatus, *Manceptum*. 240
Mancipes 269
res *Mancipi* 239. 242
Mane 132
Manes, mali genii 39
Manibus illotis accedere ad rem. 69
Manibus, pedibusque discedere in alicujus sententiam 162
Manipulares 238
Manipuli 257
Manipulus militum 260
ex jure *Manu* consertum te voco. 249
Manum conserere, *Manus* consertio 248. 249
Manumissionis formula 32
Manus in ludo gladiatorio 117
Manus in ludo tesserario 117
Mars effingi quomodo solebat. 57
Marte proprio 56
Marte vario pugnatum est 56
Martiales ludi 88
Martialis collis 5
Mater Deorum 63
Mavors 57

Megalenſes ludi 83
Megalenſis purpura 84
Megalefia 83
Mellaria amphora 62
Menſes Romanorum quales 128
Merenda unde dicta? 122
Mereri ſub hoc vel illo Duce. 253
Meridiani qui 204
de *Meridie* 132
ad *Meridiem* 132
Meridies 132
Meta 17
Metallum 265
Μεθόριον 64
Miles emeritus 354
Militares mulcta 271.&c.
Militaria dona 273.&c.
Militaris teſtudo 262
Milites per ſacramentum conjurationem 254
evocationem, ſeu evocati 255
Milites Pilani 260
Prætoriani 183
Subitarii 155
Mini qui, & quare Planipedes dicti. 106
Mimicæ fabulæ 106
Minervii 58
Minuritio 96
Miſſio 101
Mitra 156
Mitriaci 64
Mittere vel dimittere Iudices in cõſilium. 346
Modiparator in conviviis 144
Mola 69
Monas, talorum jactus 113
Monitor 148
Mons Aventinus, Dianæ mons, Murcius, Remonius, ſacer. 5
Mons Cœlius, Querculanus 5
Mons Capitolinus, Tarpeius, Saturni 4
Mons Eſquilinus 5
Mons Palatinus 3
Mons Quirinalis, Agonalis, Cabalus 5
Mons Vaticanus 8
Mons Viminalis, Faguralis 7
Monterius 8
Morbus Comitialis 142
Morbus Sonticus 242
Moribus deductio 249
Mulcta ſuprema, minima 186
Mulctæ militares 271.&c.
Mullei calceorum genus unde? 157
Munerarii qui? 98
Municipium quid & unde? 270
Municipium ſine ſuffragio 270
cum ſuffragio 270
Munus pro gladiatura 98
Munus honorarium 170
Munus offendere 203
Murcia Venus dicta 6
Murcius mons 6
Murrhata, *Murrhina* potio 81
Muſcæ in conviviis qui? 124
Muſculus, machinæ genus 262
Mutare veſtem quid? 153
Mydas, jactus teſſararum 116
Myrmillones. 123

N

NL. quid ſignif. 246
Naulum Charontis 80
Nefaſtus dies 134
Nervus 197
Nexi qui 53
Nexus 133.259.280
Nomen idem quod debitum 33
Nomina facere, liberare, exigere. 33
Nominis delatio 285

Nomenclatio. Nomenclator 149
Nona 130
Nongenti qui 136
Novi qui dicti 29
Nox intempesta ad mediam *Noctem.* media *Nocte* de media *Nocte* 132
Nucibus relictis 120
Numelli 198
Numeri in ludo tesserario 113
Numerus steſichorius 215
Nummus pro seſtercio 212
Nunciatio 142
Nuncium mittere, remittere 76
Nuncupare vota 97
Nuptiæ 72
Nuptiæ nnuptæ 73
Nuptiæ ſacramento ignis, & aquæ. 74
Nuptialia dona 75
Nymphæarum ædes 167

O

Obnunciatio 142
Obſervatio de cœlo 142
Ocreæ rum uſus in bellis 104
Olympica certamina 92
Omen prærogativum 141
Onager machinæ genus, ejuſque deſcriptio 264.265
Opera & inpenſa periit 92
Operam & oleum perdidit 92
Optima ſpoliæ 275
Opius collis 6
Ops 62
Optimates qui 58
Oracula Sibyllina 61
Orbelæ, gladiatores quidam ſic dicti 40
Orbis militum 260
Orcæ quis uſus in ludo ſeſſerario. 116
Orcheſtra 118
Oſtendere munus 203
Ovatio quid & unde 274
Ovem unum 187
Ovilia, locus in campo Martio 16
Ovi cum Mundo ſimilitudo 86
Ab *Ovo* ad mala 125
Ovum in Cereali pompa quid 36

P

Pactio quid 270
Pæanas concinere 96
Παιανίζειν & μυνεχίζειν opponuntur. 96
Paganica pila 119
Palamædiaci calculi 118
Palatia unde dicta 3
Palatina tribus 206
Palatini ludi 97
Palatini Salii 57
Palatinus mons 3
Palla 16
Palliatæ fabulæ 130
Palliati pro Græcis dicti 150
Pallium 150
Palma quare victoriæ ſignum. 101
Palma lemniſcata 101
Palmarum plurimarum homo. 101
Palmata toga 154
Paludamentum 154
Pan Lyceus & ejus forma 43
Papyrus 136
Parma & Parmularius 103
Parricidii Quæſitores 168
Parricidium quid 198.247
Pater familias aliquando lanitem denotat 105
Pater Fiduciarius 232
Pater Patratus 59
Patibulum 194
Patres Conſcripti quando primum dicti 28

Patricii qui 27
Patroni qui 27
Pausicape quid 205
Pecuarius 269
Pecunia ablata, capta, coacta, conciliata, aversa 243
Pecuniæ repetundæ 243
Pecuniam occupare 244
Peditum distributio 257
Peira quid 263
Pendere idem quod solvere 240
Penula 156
Pénulam mihi scidit 223
Perduellis, *Perduellionis* iudicium 217
Pergamena à quo inventa 137
Perones calceorum genus 158
Pessimuntia 63
Pessimuntius sacerdos 213
Petaurum 118
Phaleræ, donum militare 275
Picta toga 154
Pignora, cædere, condere, rapere, auferre 163
Pelæ paganica & trigonalis 119
Pilani Milites 260
ad *Pileum* vocare 32
Pileus in re gladiatoria quid 102
Pileus signum libertatis 32
Pileus quomodo differt à palma, missione & rude 102
Pilum quid 259, 260
Pinarii 46
Pistrinum quid & unde 205
in *Pistrinum* te dedam 205
Planipedes excalceati 106
Plebeii qui 27
Plebiscitum 143, 211
Plumbea charta 138
Poculum boni genii 40
Poculum Charitatis 40
Pœnæ quibus in hostes divictos utebantur Romani. 167, &
Pœna, quibus in suos milites utebantur 171
Poetæ lauriati 93
Pollicem convertere 104
Pollicem premere 104
Pollinctores 77
Pomerium quid 3
Pompa 85
Pompa Circensis 86
Pontus pro toga 152
Pons sublicius 65
de *Ponte* dejiciendus 16
Pontes per quos suffragia tulerint apud Romanos qui 16
Pontifices unde dicti 63
Pontificia cœna 63
Popæ 68
Populares 31
Popularia 18
Porcus Trojanus 220
Porta à portando 2
Portitores qui 269
Portorium, *Portarium* unde 269
Post signani 232
Postulatio, *Postulare* aliquem de hoc vel illo crimine 245
Potitii qui 45
Præcidaneæ hostiæ 68
Præcincti qui 256
in *Præcincto* stare vel vivere 256
Præconi publico subjici 224
Prædes 269
Præfectura 268
Præfectus Ærarii 182
Præfectus annonæ 180
Præfectus Prætorio 182, 183
Præfectus Urbis 172, 173
Præficæ 78
Præludium 100
Prærogativa tribus vel centuria. 141
Prætexta toga 154

Prætextata ætas 154
Prætextatæ 106
Prætextatus à togato differt 154
Prætor urbanus seu major 167
Prætor peregrinus seu minor 167
Prætores unde 163, 182
Prætores Cereales 167
Prætores fidei commissarii 167
Prætores Quæsitores 168, 210
Prætoria decemviralis 210
Prætorium quot significet. 182
Prævaricari, calumniari, & tergiversari quomodo differunt. 239
Prandium 121
Præsinæ factiones 91
Pridie Calendas 131
Prima fax 232
Prima libamina 70
Primum pilum, *Primopilus*, *Primipilus*, *Primopilatus* 259
Princeps juventutis 110. 172
Principes inter milites Romanos qui 238. 256
Principia quæ 259
Ego ero post *Principia* 259
Principium in Comitiis 242
Privatæ feriæ 133
Proconsul 148
Professi dies 133
Profiteri apud Prætorem 215
Proletarii 145
Prologus quid sit 108
Prologus κατάστασις, συστάσις, ἀπορρησις 198
Pronaos 81
Promittere Vadimonium 245
Promulgatio legis 141
Pronunciare & cognoscere quomodo discrepant 10
Proœmium cœnæ 225
Pro-prætor 184
Pro-quæstor 185
Proscenium 18
Proscripti qui 188
Prytanes 107
Provincia quot significet & unde dicta 268
Provinciam cepisti duram 268
Provinciæ Consulares 184
Provincias comparare Prætoriæ / sortiri } 184
Provocatores sive probactores. 104
Publicanus quis 269
Pugnatoria tela 100
Pulla toga 153
Pullarius 52
Pulpitum 18
Pulvinar idem aliquando quod templum 22
Punctum pro suffragio 136
omne tulit *Punctum* 136
Purpurea toga 154
Puteal Libonis 11
Puteus 196
Pyrgus Horatio quid 116
Pyrrhico Saltatio 111

Q

Quadrans quid 234
Quadrata legio 256
Quadruplatores 235
Quæstatores Parricidii 168
Quæstiones perpetuæ 168
Quæstor unde 177
Quæstores Ærarii 177
Quæstores Provinciales 185
Quæstores rerum capitalium 178
Quæstores Urbani 177
Querculanus mons 6
Quicunx quid 134
Quindecim-viri, sacris faciundis 60
Quinque-viri epulonum 66
Quinque-viri mensarii 181

Quintilis mensis 130
Quirinales Salii 57
Quirinalia Flamen 54
Quirinalis mons 5
Quirinus nomen Romuli 54

R

Radduvus 160
Reasceptui canere 146
Recta cœna 225
Recuperatores 167
Reddere 70
Refigere legem 143
Regina sacrorum 56
Reguli pro talis 115
Relegatio 189
Rem ratam habere 244
Remonius mons 9
Renunciare quid significat? 76
Renunciatio Matrimonii 76
Repetunda 243
Repotia 72
Repudium 75
Res tuas tibi habeto 75
Retiarii qui & unde dicti? 102
Retiarii tunicati, & *Retiariorum* spongiæ 102
Reus voti 48
Rex Romanorum 192
Rex sacrificulus, & *Rex* sacrorum. 56
Rhamnenses qui? 26
Rhea 65
Rigularius mons 7
Robur, locus in carcere 195
Robur Italum 196
Rogare legem 143
Rogus 80
Roma unde dicta? 3
Roma Vrbs septi-collis 3
Romana urbs nomen incognitum 38
Romani Civis descriptio 15
Romani ludi 89
Romano more pro ex animo 25
Romulum & Remum exponitos lupa aluit. 43
Rostra ubi fuerint, & unde dicta, 9 11
pro *Rostris* laudare defunctum. 79
Rude donatus 132
Rudis apud Gladiatores quid? 101

S

Sacer homo 197
Sacra per se quid signif. 73
Sacra Græca 45
Sacra haud immolata devorat 71
Sacramento & sponsione provocare, rogare, quærere, stipulari 450
Sacramento contendere, restipulari. 250
Sacramentum in jure quid? 250
Sacramentum militare 254
Sacrarium quid? 28
Sacri ludi qui? 83
Sacrificia, & ritus *Sacrificandi* 68
Sacrilegus unde? 80
Sacrosanctus quis dictus? 178
Seculum quantum temporis 195
Sagum quid? 151
ad *Saga* ire 152
Saga togæ cedant, idem quod cedant arma togæ 151
Saliares dapes 58
Salii quot & unde dicti? 57
Salii Palatini, Collini, Agonales, Quirinales. 57
Salii quales pileos gestent 58
Saltatio Pyrrhica 118
Salva res est, saltat senex 82
Sallustiani horti 9
Salutaris collis 5

Salutaris

Salutaris litera 246
Samia nemo literatior 206
Samnites 103
Sati/dare Judicarum solvi 250
Sati/dare rem ratam habere 251
Satisdatio quid? 250
Saturni ædes cur ærarium populi. 13
Saturni mons 4
Satyra quale genus carminis 106
Satyræ 106
Sibillæ Genonizæ 201
Scena in fabulis quid? 18,108
Scena in theatro quid? 18
Scena Tragica
Comica 190
Satyrica
Scena versatilis vel ductilis 18
omnium *Scenarum* homo 108
Scena unde dicta? 17
Scenici ludi 84.105
Scorpio, machinæ genus, 264.265
Scorpiones flagella qualia 207
Scriba. 168
Scriptura, vectigalis genus cur dicta 269
Scripturarii agri 269
Scrobiculus 23
Secespita 70
Sectatores 241
Sectores 225
Secundum illum litem do 201
Secundum pilum, secundi pilus, &c. 260
Secutores gladiatores quales 103
Sella Curulis 164
Eburnea 164
Semidei 36
Semissis 217.234
Semones quasi Semi homines. 37
Semuncia 234
Senaculum 161
Senator 161
Senatores minorum gentium 28
Senatores Pedarii 162
in *Senatu* stare 163
ad *Senatum* referre 162
Senatus 161
Senatus Princeps 162
Senatus consultum 161
Senatus-consultum de Ambitu. 242
Senio in talis 113
in *Sententiam* alicujus ire 163
Septa, locus in campo Martio 16
Septem convivium, novem convivium faciunt 125
Septemviri Epulonum 66
Septicollis urbs 3
Septimius collis 8
Septunx 234
Sepulchrum 81
Sepultura in sepulcro 81
Sequestres 149
Servi addicti 33
Servorum duo genera 33
Sestertius 212
Sexagenarii de ponte dejiciendi 138
Sextans 234
Sextilis mensis 130
Sextricium 193
Sextulæ 234
Sibylla unde dicta 61
Sibyllæ quot 66
Sibylla folium 61
Sibyllæ folia colligere 61
Sibyllina oracula 61
Sica & Sicarius 103
Sigma quid, & quomodo olim figuratum? 112
Signa conferre & calatis *signis* pugnare 255
Signare vota 97
signatores 71
Silatum 122
Siliceruium quid 81

Sinistra avis 51
Sinistrum in rebus sacris 51
Sistere fana 21
Sisto Iure consultis quid 246
Siticines 78
Simpula instrumenta quibus Vestales ignem incendebant 67
Socii, *Socii* Latini nominis 270
Socius senatus, populiq, Rom. 270
Sodalitia, Sodales 243
Solea 117
Solis occasus 132
Sophocleo digna cothurno 210
Sordidatus unde 133
Sortibus æquatis 141
Sortitio subsortitia Iudicum 256
Spectio 142
Sphinx in Pronao quid signif. 21
Spoliarium 198
Sponsalia 71
Sponsione & sacramento provocare, &c. Vid. *Sacramentum* &c.
Sponsiones. deposita pignora 91
Sportula 125
Stativæ feriæ 133
Status in gladiatura quid 101
Stesichorium jactus 115
Stimulo fodere 194
Stimulorum supplicium 190
Stipendium, *stipendiarii* 268
Stipendio confecisse 254
Stipendii fraudatio 271
Stipes noxiales 200
Stipulari, testipulari 250
Stola quid & unde 150
Stuprum 157
Stylus quot significet 139
Stylum invertere 138
Subbasilicani apud Plautum qui. 10
Sublicius pons 65
Subscriptores 236
Subsellia 10
Subsignani 208
Suburrania 26
Succidaneæ hostiæ 68
Succidaneum tergum 68
Suffragia explere 148
Suffragia legitima conficere. 148
Suffragiorum puncta non tulit sepem 136
Sumptuariæ leges 228
Suovetaurilia, *Solitaurilia* 166
Superstites pro testibus 248
Supplicatio, donum militare 273
Supplicationes decernere 273
Supplicia Romanorum 186
Supplicium more majorum 191
Supplicium servile 292
Suram date 120
Suspensa bona 225
Sylla, perpetuus Dictator 221
Synthesis 64

T

T. Litera Senatus Consultis subscripta quid 179
T. Græcis litera absolutionis, & quare 247
Tabellæ 137
Tabellarius 137
Tabernariæ 106
Tabulæ accepti & expensi 137
Tabulæ Ceratæ 137
Tabulæ Publicæ novæ Auctionariæ. 137
Tabulam figere 143
Tabularium quid & unde 14
Tæda quid 74
Talassio quid signif. 74
Talio 207
Talus 113
Tarentini ludi 95
Tarpeia lex de mulctis 187

Tarpeia rupes. 4
è *Tarpeia* rupe dejectio 201
Tarpeius mons 4
Tarsienses qui 26
Taurilio 97.66
Tela lusoria exercitoria 100
Templum 20
Templum Auguribus certa cœli regio 50
Tergidactores 257
Tergiversari 239
Tessera quid 112
Tessera militaris, frumentaria, nummaria, hospitalis 112
Tesseram hospitii confregit 113
Tesserarius ludus 112
Testamentum per æs & libram 233
Testamentum calatis comitiis, 235 233
Testamentum per emancipationem familiæ 233
Testamentum per nexum 233
Testamentum in procinctu 233
Testudo quid significat 262
Testudo militaris 262
Θ damnationis symbolum apud Græcos 247
Theatrum quid & unde 87
Thensæ 85
Thraces gladiatorum genus 103
Tintinnabulorii usus in suppliciis 189
Titii 66
Titulus in suppliciis 193
Toga unde dicta 150
Toga alba, candida, pura 152
Toga picta, purpurea, palmata 154
Togæ prætexta, purpurea 154
Toga pura quid. 151
Toga triumphalis 154
Togam virilem sumere 152
Togata mulier pro impudica 150
Togatæ fabulæ 150
Togati pro Romanis dicti 150
Tormentum quid & unde 265
Torquis, donum militare 275
Trabea 154.254
Trabea Auguralis } Regia } Consecrata } 155
Tragœdiæ & Comœdiæ differentiæ quædam 106
Tres sex, aut tres tesseræ 116
Tria nomina 33
Triarii 238.259
ad *Triarios* ventum est 259
Tribuni ærarii 178
Tribuni militum 175.257
Tribuni plebis 178
Tribuni Rutili, Rufuli 176
Tribuni suffecti, Comitiati 176
Tribunus Celerum 169
Tribus φυλαι, & νεμαι 29
Tribus jure vocata 141
Tribus locales, quot. 26.147
Tribus prærogativa. 140
Tribus Rusticæ 148
Tribus Urbanæ 148
Tributarii 268
Tributum quid, & quotuplex 168
Triclinium unde dictum 122
Tridens inter retiarios quid 103
Triens quid 234
Trigonalis pila 119
Trinundinum 131
Tripudium 49.51
Tripudium Solistimum 52
Triumphales arcus 274
Triumphalis vestis 274
Triumphus unde dictus 274
Triumphus ab Ovatione quomodo differt 273 274
Triumphus major, minor 273
Triumphus majorem propriè significat 274

Trium-viri agro dividendo 226
Trium-viri Capitales 181.196
Trium-viri Coloniæ deducendæ. 181
Trium-viri conquirendi juvenes idoneos ad arma ferenda 181
Trium viri Epulonum 66
Trium viri Mensarii, Monerales, nocturni 181
Trium viri Reip. constituendæ. 117
Trium viri valetudinis 181
Troia 110
Trojanus ludus 101
Trophæum unde 274
Trossuli 160
Tullianum 195
Tunica pallio propior 155
Tunica laticlavia, Angusticlavia, Recta 155
Tunica supplicii genus 201
Turma 257
Turres ambulatoriæ 262
Tutela 231
Tutela Testamentaria, Legitima, Dativa, Fiduciaria, Honoraria 232
Tutores honorarii 232
Tiro, Tirocinium 256

V

VR. tabulis inscript. quid sig. 135
Vacationes 213
Vadari reum 245
Vadimonium promittere 245
Valla, Valli 161
Vallus vitem decepit Prov. 262
Vbi tu Caius, ibi ego Caia 73
Vectigal 269
Velitatio agere 269
Velites 258
Venditio per æs & libram 240
aliud est *Ventilare*, aliud pugnare. 100
Venus in tectis quid? 214
Venus armis pugnare 100
Vespæ, & vespillones qui, & unde dicti? 79
Vesper 132
Vestales Virgines 66
Vestes Romanæ 150
Veteranus 256
Vexillationes unde & quare 260
Vexillum unde 260
Vexillum Roseum 254
Vexillum Cæruleum. 254
Vicesimarium aurum 13
Vicesimatio legionis 273
Victima unde dicta? 68
Victimam hostire 68
Victimarii 70
Vigiliæ 132
Viminalis mons 7
Vimineus Iupiter 7
Vindicatio quotuplex 249
Vindicias sumunto 248
Vindicta liberare 32
Vinea quid? 262
Virgh cædi 207,272
Virgula censoria 166
Viri-placa Dea 75
Visceralio 81
Vitis centurionum 146
Vlmea cœna 125
Vltimum supplicium 117
Vmbilicus in libris quid 140
Vmbræ in conviviis qui 124
Vncia quid 234
Vngulæ 200
Vnum pro omnibus 245,246
Volumen unde dictum 139

Vota nuncupare 97
Vota signare 97
Voti reus 98
Voti vel vota damnatus 98
Votivi ludi 97
Vouere ludos vel templa 97
Vrceus quid 100
Vrna 80
Vt tu Dominus, ita ego Domina. 73
Vulturii pro talis 73
Vxor unde 74
Vxor usu, confarreatione, comptione 72

X

Xoloneuma 278

Z

Zona quid 156
Zonam perdere 156
Solvere 156

FINIS.



Romæ &c. Iureconsultis quid? 327
Capita vel navim, ludi genus 110
Capite censi 145
Capite damnatus 168
de ejus *Capite* quærito 247
Capitis dimicatio 163
Capitis diminutio, maxima, media, minima 187
Capitolini {ludi / agones} 93
Capitolinus mons 4
Capitolium unde? 4
Capnomantes 53
Caput contubernii 257
Caput Porcinum in bello quid, & quare dictum? 260
Carcer ab Ergastulo differt 195
Carceres in circo quid & unde? 17
à *Carceribus* ad metam 17
Carptor 124
Castoria templum. 12
Catapulta quid & unde. 293
Κατηγορια 107
Κατηγορεμα 107
Catastrophe vitæ humanæ 177
Καθαιρτης ὁ σφαιρης 205
Cavea quid 18
Cavea item quod amphitheatrum. 19
Cavea quæ pares Amphitheatrum 19
Causæ Capitales 168
Cedere de gradu 101
Celeres qui & unde? 160
Celerum tribunus 160
Censio hastaria 271
Censor, Censoria virga 165
Census quid significet? 234
Centesimatio legionis 273
Centrones qui, & unde dicti 194
Centum-viri 167.210
Centuria quid? 257
Centuria Prærogativa 141
Centurio 145
primus *Centurio*. 259
Centuriones 238.257
Cerata tabulæ 137
Cereales ludi. 84
Cereri sacrificat. Prov. 45
Ceres quomodo effingi solita? 45
Cerites, prima municipes 270
Cerites tabulæ. 270
Cervi, pars aggeris, quare dicti? 261
Cestus 92.157
Chius, quid in talorum ludo? 113
Chloris Flora dicta 8
Chorus tam è viris, quàm mulieribus constabat 108
Cibariæ leges 218
Ciliarchium quid? 13
Cinctura laxior 150
Cinctura astrictior 150
Cinctus Gabinus 150
Cincturæ 356
Circenses ludi 89
Circumvenire quid signif. 214
Circus quare dicitur fallax? 17
Circus maximus 16
Cissius collis 16
Cives originarii 32
Civilis dies quomodo dividitur? 132
Civis reptitius 30
Civitate donatus 32
Clam an palam 239
Clarigatio quid? 59
infra *Classem* 145
Classici scriptores 145
Classicum canere 146.255
Classicus 145
Clientes qui? 27
Clodius accusat muchos, Prov. 63
Coactum auspicium 51

Codex unde? 138
Codex ſupplicium quale. 198
Codex robuſtus, locus in carcere. 196
Cœna unde dicta 121
Cœna abjicialis, Pontificia 66
Cœna ulmea 125
Cœnæ caput 125
Cognoſcere & pronunciare quomodo differunt 10
Cohors 257
Cohors prætoria 183
Coire quid ſignif. 214
Collaris ignis pugnare 255
Collegii Magiſter 49
Colligatis vaſis 255
Collina 26
Collis Salutaris, Martialis, Latiaris 5
Collis Ciſpius, Oppius, Septimius 5
Collis hortulorum 7
Collumbar 198
Colonia Romana 267
Coloniæ deductio 297
Coloniæ Latinæ 268
Coloniæ Italiæ 268
Comeſſatio 121
Comitia & conitium quomodo differunt 11
Comitia calata 134.233
Comitia centuriata 135.145
Comitia Pontificia 135
Comitia Ædilitia 135
Comitia Tributa 135.147
Comitialis dies 134
Comitialis homo 134
Comitialis morbus 142
Comitium quid & unde? 10
Comœdiæ unde, & ejus partes 106
Comœdiæ & Tragœdiæ differentiæ quædam 106
Comperendinari quid propriè 244, 245
Compitales ludi 97
Conceptivæ feriæ 133
Conclamare vaſa 255
Conclamatum eſt 77
Concubium 132
Conditione tua non utar 75
Confarreario 72
Conferre ſigna 255
Congiarium 148
Conſcripti patres quomodo primum dicti 148
Conſuales ludi 89
Conſul 163
Conſul major, prior 164
Conſularis vir 165
Conſules Honorarii, ordinarii 165
Conſules non Honorarii, & ſuffecti 165
Conſul olim Neptunus dictus 89
Contendere ex provocatione, *contendere* Sacramento 250
Conticinium 132
Contubernium, *Contubernii* Caput 257
Convivarum quantus numerus 123
Convivia Romanorum quàm varia 121
Κοῖλα ὠσὶ χίον 113
Cornix felix auſpicium in ſponſalibus. 72
Cornu dextrũ vel ſiniſtrũ aciei. 260
Cornua in libris quid 139.140
Corona Caſtrenſis, Vallaris 276
Corona Civica, Quernea 276
Corona Muralis 276
Corona Navalis, Roſtrata 276
Corona obſidionalis, Graminea. 275
Corona Ovalis 276.277.

Corona Triumphalis, aurea 275
Coronæ, dona militaria 275
Coronarum usus in conviviis 124
Sub *Corona* quid 267
Coronis quid 139
Corybantes unde 64
Corybantia æra 64
Corburnus 110
Coüs 113
Crepusculum 132
Creta Asiatica 269
Cretata ambitio 153
Cretulæ usus in literis signandis. 138
Cribrum Carnificinum 194
Crux 192
Cultus 198
Cultrarii 70
inter *Cuneos* residere 19
Cuneus in theatris quid 19
Cuneus militum quid, & cur dictus 260
Cuniculi 266
Cuniculis oppugnare 266
Curia per se quid signif 5
Curia per se idem aliquando quod domus Curialis 48
Curia { Hostilia, Pompeia, Iulia } 6
Curiæ olim apud Rom. quot 47
Curiales Flamines 47
Curialis domus 48
Curio Maximus 48
Curiones Flamines dicti 55
Curiones sexaginta 47
Curionia 48
Curulis sella 164
Custodes qui 136
Custodia lignea 196
Cybellæ, vel *Cybele* 63
Cybelleius circulator 64

D

Damnari in metallum, & *Damnari* in opus metalli 260
Damnatio ad bestias 203
Damnatio in gradium 202
Damnatio in ludum 202
Damnatus voti 98
Dapes Saliares 58
Datatim ludere 119
Datores in pilæ lusu 119
Dea bona 62
Dea viri placa. 75
Debitores quomodo tractari soliti 33
Decanus quis 257
Decem-viri 60.173
Decem-viri stlitibus judicandis. 209
Decimatio legionis 273
Decretoria tela 100
Decumæ Decumanus 221.269
Decumanus idem quod maximus, & quare 262
Decunx 234
Decuriæ. 127.210.257.258
Decurio 212
Decurio quot significet 267
Dejectio è saxo 201
Delubrum quid & unde 21
Deorum mater 63
Depontani 16.135
Deputatio 189
Desultorium ingenium 15
Desultorius equus 15
Deunx 224
Devorat sacra haud immolata 71
Devovere diis inferis quid 27
Dialis Flamen 54
Dianæ mons 6
Dicam scribere 236
Dicam sortiri 246
Dictator 174
Die noni, pro die nono 97
Diem alicui dicere 245

Diei & atri 132
Dies biſſextus 130
Dies civilis quomodo dividitur? 132
Dies comitiales 134
Dies faſti, ex parte faſti, & nefaſti. 134
Dies feſti, feriati, profeſti, intercisi 132
Dies juſti 33
Dies perendinus 233
Dies tertius 233
Dies poſtriduani & Ægyptiaci. 132
Diffarreatio. 73
Diffindere diem 242
Digito provocare 105
Digitum attollere, deditionis ſignum 135
item emptionis 225
Dii & *Divi* quomodo differunt. 36
Dii animales qui 37
Dii communes 38
Dii conſentes maiorum gentium nobiles 36
Dii patrii, *Dii* tutelares 38
Diiuratis aliquid facere 38
Diluculum 232
Diludia in fabulis 439
Dimacheri 104
Dimicare ad certum 100
Dimidiatus aper omnia habet eadem quæ totus. Prov. 229
Diminutio Capitis, maxima, media, minima. 117
Dhibitores 136
Diſcincti qui 256
Diſcumbendi ratio 122
Diſcus 70. 119
Diviſores 149
Divortium 75
Do, dico, addico 134. 170
Dodrans 234
Domus Curialis 84
Dona 273. &c.
Donatica haſta 175
Dubia cœna 125
Ducere uxorem 75
Duella 234
Duum-viri ſacris faciundis 60

E

Eculeus 199
Edictum unde 169
Edictum peculiare & novum 169
Edictum peremptorium 245
Edictum perpetuum 169
Effari templa quid 21
Elephantini libri qui 14
Eleuſina Ceres dicta 44
Elogium quid 193
Eloquentiæ candidatus 153
Emancipati qui 232
Emancipati de ſierũt eſſe agnati. 232
Emancipatio 232. 243
Emiſit arietem, Prov. 59
Empti de lapide, de farca. 201
Emulus quid 107
Epulonum Triumviri 66
Equeſtriæ 18
Equeſtris ordo 18
Equi κτυπιοι & ἀκτυπιοι 90
Equitum diſtributio 257
Equitum magiſter 257
Equitum præfecti 258
Equus militaris 29
Equus publicus 29
Equus ſolis 90
Exgaſtulum unde dictum. 195. 204
Ἔξω ὀδόντων quid Gellio ſignif. 262
Ἐπιχαιροι qui dicti 203
Eſquilina tribus 26
Eſquilinus mons 6
Eſſedarii qui 104
Εὐριπίδης Ἀχαιοὶ apud Homerum. 48. 104
Euripidis jactus in teſſeris 117

Exaggero unde 261
Exequiarum ritus 78
Exercitoria tela 100
Extispices qui, & unde dicti 53
Extramuraneus cur Mars appellatus 57
Extremi agminis ductores 257

F

Fabiani Luperci 44
Fabianus fornix 275
Fabulæ palliatæ & togatæ 110
Factiones albæ & ruſcæ 91
Factores in pilæ luſu 119
Fagutalis Iupiter 7
Fagutalis mons 7
Familiæ appellatione quid aliquoties ſignificatur 105
Familiaris pars in victimis 53
Fana ſiſtere 21
Fanum quid & unde dictum 20
Farracia quid 73
Fartor 148
Faſces pro magiſtratu 161
Faſces ſubmittere 161
Faſti dies, & ex parte *faſti* 134
Fatua, *Fauna* } bona Dea appellata 62
Fax prima 132
Februarius unde dictus 43
Feretrius cur Iupiter dictus 275
Feriæ Imperativæ, & Indictiv. 133
Feriæ Latinæ 133
Feriæ privatæ, publicæ, anniverſariæ ſtativæ, & conceptivæ 133
Feriati dies 133
Ferre legem 143
Feſti dies 133
Fidei flamines 59
Fidiculæ 200
Fidus idem olim, quod fœdus 59
Figere legem & refigere 143
Figere tabulam 143
Fiſcus ab Ærario differt 183
Flagella Triumviralia 207
Flagra taxillata 207
Flama 54
Flamen dialis, Martialis, Quirinalis, } 54
Flamines quot & unde dicti 54
Flamines Curiales 55
Flamines majores, & minores 55
Flaminiæ ædes 55
Flaminicæ 55
Flaminicæ & Flaminiæ 55
Flaminio abire 55
Flamineus 72
Flexuminæ 160
Flora Dea 7
Florales ludi 87
Floralis turba 87
Focus quid & unde dictus 24
pro aris & *Focis* certare 24
Fœciales unde dicti 58
Fœdus quid 270
Folium Sibyllæ, v. *Cybelle* folium
Follis, pila qualis 119
Forfex, ſeu *Forceps* militum, 206
Fori in circo maximo quid 16
Fornicer 274
Fornix Fabianus 275
Forum quot modis ſumitur 8
Forum agere 8
Forum indicere 8
Forum Auguſti 9
Forum Iulium 9
Forum Palladium 9
Forum Romanum, & *Forum* vetus. 9
Forum Saluſtii 9
Forum Trajani 9
Forum tranſitorium, & cur ſic dictũ 9

Fratres arvales qui, quot, & unde dicti. 47
Fraudatio stipendii. 271
Fregit subsellia. 93
Frumentariæ leges. 227
Frumentum æstimatum. decumanum. emptum. imperatum 228
Funalia unde 81
Fundus & Fundamentum cœnæ. 125
Funus. 81
de *Furca* redempti 201
Furca supplicium 190, 194
Furcifer unde. 190
Fusti cædi. 272
Fustuarium meretur. 272

G.

Galli Cybelles sacerdotes. 63
Galli gladiatores quales. 103
Gallica quid 127
Gallicinium. 132
Gemoniæ scalæ ubi. 201
Genialis quid signif. 40
Genialis arbor quæ. 39
Genialis lectus 75
Genio indulgere. 40
Genium defraudare. 40
Genius bonus & malus 38
Genius loci 40
Geno idem quod gigno. 39
Gladiatura 98
Gladius judicii is quid 168
Globus militum 260
Gradivus à gradiendo 57
Gradus in gladiatura quid 101
Græca sacra, *Græca* sacerdos. 45
Graminea ara, hasta, corona, v. *Ara*, *Hasta*, *Corona*.
Grande sophos quid 94
Gymnici ludi 91

H

Hæredes ex toto asse
Hæredes in ima cæc
Hæredes legatarii
Hæredes primæ cetæ. 137
Hæredes secundi
Hæredes ex de unce
ex quadrante 235
ex semuncia
sextula aspersus
Hæres fiduciarius, & imaginarius 233
Hæres in totũ assem institutus. 234
quomodo differt ab *Hærede* ex toto asse 235
Harpastum 119
Hasta Cœlibaris. 72
Hasta Centumviralis 168, 210
Hasta pura.
donatica 275
gaminea.
Hasta pura donati. 271
Hastæ judicees 161
Hastæ subjici. 225
Hastaria censio 271
Hastati qui 238, 259
Helepolis genus machinæ describitur. 266
Hemones aliquando homines dicti. 37
Herbam dare. 276
Hercules. jactus in tesseris 114
Histrio unde dictus 105
Homini mortuo ossa ne legito 80
Homo Comitialis. 134
Homo incerti laris 41
Homo omnium scenarum 108
Homo plurimarum palmarum 101
Homo sacer. 179
Hoplomathorum armatura. 103

Horrea Sempronia. 227
Horti Saluſtini 9
Hoſtia unde dicta 68
Hoſtiare victimam 68
Hoſtilia Curia 6
Hoſtilis pars in victimis 53
Hymen Hymenæe. 75

I

I.D.T.S.P. quid 245
Iacere in ſenatu 163
Iactus pronus, plenus, ſupinus, inanis 119
Ianiculus mons 8
Ianualii 58
Idus 243
Ientaculum unde dictum 121
Igni & aqua interdicere 188
Ignobiles qui 30
Ignominioſa dimiſſio 271
Ignota capita. 29
Ilicet quid ſignif. 81
Illotis manibus accedere ad rem 69
Illotis pedibus 69
Imago idem quod nobilitas 30
Immolatio 69
Imperativæ feriæ 133
Imperator 258
Imperator quot ſignif. 171. 258
Imperatoris nomen donum militare. 273
Eſſe cum *Imperio* quid 222
Imperativa auguria 50
Inauſpicato 48
Incenſinarium 13
Incenſus 234
Incerare genua deorum 98
Inceſtus unde 157
Indicere forum quid 8
Indicta cauſa damnari. 214
Indigites 36
Inducia. 270
Inferiæ 80
Ingenii qui 32
Inire viam 249
Iniuſtus vindiciis & ſacramentis alienos fundos petere. 252
Inſcripta ergaſtula. 240
Inſcripti ſervi 266
Intendere actionem, vellitem 245
Intercalaris dies 129
Intercedere. 143
Interciſi dies. 133
Inter rex 174
Intervallum quid 261
Intonuit lævum 51
Io triumphe 374
Ivvenalia, ludi genus 89
Italum robur 196
Iudicatum ſolvere 244
Iudices haſtæ 168
Iudices lecti ſortione editione, edititii alterni } 243
Iudices quæſtionum 210
Iudices ſelecti 210
Iudicium dare 249
Iudicium decuriæ 237
Iudicium rejectio 246
Iudicium ſortitio, ſub ſortitio. 246
ſub *Iugum* quid. 267
Iunones 39
Iunonii 58
Iunus ſive *Iuvus* aliquando nomen Panis. 53
Iupiter Feretrius quare dictus 275
Iurare calumniam, ſive in litem. 245
Iurare Iovem lapidem, vel per Iovem lapidem 253
Iurevocatæ centuriæ 147
Ius & lex quomodo differunt. 208
Ius honorarium 169
Ius Papyrianum 209
Ius pro loco in quo Prætor Iudex ſedebat. 248

in *Ius* vocare 208
in *Ius* vocatio 245
Iuſta 79
Iuvenales ludi 111

L

A Litera Græcis ampliationis ſignum 247
Lacerna quid 156
Lacernatus oppoſitus togato 256
Læna qualis veſtis 49
Lævum in rebus ſacris quid 51
Lævius 200
Lanii cum contionabulis 189
Laniſta qui 105
Lanx 70
Lapis manalis 57
Lapis pro mille paſſ. 172
Laquearii quibus armis pugnare ſoliti 104
Lare ſub parvo 41
Lares 41
Lari ſacrificat 41
Largitio 149
Lata fuga 189
Latiaris collis 5
Laticlavio, Laticlavis 155
Latinæ feriæ 133
Latini nominis ſocii 215
Latinus quis 215
Latro & *Latrunculus*, unde dicti 118
Laudare defunctum pro roſtris 76
Lectus genialis & adverſus 75
Legatio mandata, votiva, libera. 219
Legatus 258
Legatus quot ſignificat 185
Legio quid, & unde 256
Legio Alaudarum 138
Legio juſta 257
Legio quadrata 256
Legionis decimatio, viceſimatio, centeſimatio. 273
Legionis diviſio 25
Lemniſcata palma 101
Lemniſcus quid 101
Leſſum 82
Lex & jus quomodo differunt. 208
Lex Curiata, Centuriata 143
Legis promulgatio 41
Leges Agrariæ 226
de Ambitu 241
Cibariæ 218
de Civitate & jure civium 214
ad Comitia ſpectantes 216
duodecim tabularum 173
Lex duodecim tabularum de vindiciis 248
Leges Frumentariæ 227
de Iudicibus & judiciis 236
de Legibus 221
de Magiſtratibus 219
Majeſtate 241
Re Militari 231
Pecuniis repetundis 243
Provinciis 222
Religionem ſpectantibus 211
de Senatu & Senatoribus 218
Sumptuariæ 228
Tabellariæ 217
de Teſtamentis 233
de Tutelis 238
de Vſucapione 235
Lex accuſatoria 236
Lex Acilia 244
Acilia Calpurnia 241
Ælia 216
Antia 239
Antodia 237
Ateria 286
Atinia 235
Aurelia 237
Cœlia 217
Caſſia 217
Cicilia Didia 221

20532

Godwin, Thomas

ROMANÆ HISTORIAE ANTHOLOGIA RECOGNITA ET AVCTA.

AN

ENGLISH EXPOSITION OF THE ROMAN ANTIquities, wherein many Roman & English offices are paralleld *and divers obſcure phraſes explained.*

For the uſe of ABINGDON *Schoole.*

Newly reviſed and inlarged by *the Author.*

OXFORD,
Printed by *Leonard Lichfield* for *Henry Crypps.* 1638.

an higher Tribe, downe to a lower and leſſe honourable, or when by any cenſure they diſabled a man from ſuffraging, or giving his voice in the publique aſſemblies: ſuch as were thus in the laſt manner puniſhed, were tearmed *Ærarii*, and *In ærarios relati*: [e] *quia omnia alia jura civium Romanorum, præterquam tributi & æris conferendi amiſerunt.* This kinde of puniſhment, as it may ſeem, was many times exerciſed for irreverend geſture, or ſpeeches uſed by ſuch as were queſtioned by the *Cenſors*. Three ſeveral examples are noted by [f] *Gellius*; the laſt is this: *P. Scipio Naſica*, and *M. Pōpilius* being *Cenſors*, taking a view of the *Roman* knights obſerved one of them to have a lean ſtarveling horſe, himſelfe being fat, and in good plight, whereupon they demanded the reaſon why his horſe was ſo lean, himſelfe being ſo fat: his anſwer was, *Quoniam ego, inquit, me curo; equum Statius meus ſervus. Diminutio media*, was an exilement out of the City, without the loſſe of ones freedome: [g] It was commonly ſet down in this form of words: *Tibi aqua & igni interdico*. And it ſeemeth by [h] *Cœlius Rhodiginus*, to be all one with that kind of baniſhment, which the *Romans* called *proſcriptio*, though it cānot be denied, but that *Proſcriptus* ſome times ſignifieth only ſuch a one, whoſe goods are ſet at ſale to ſatisfie his creditors, becauſe he will not appeare in the Court: the form thereof is thus, The creditors having obtained leave of the Lord chiefe-Juſtice to proceed in this manner, they cōmitted the ordering of the ſale to one principall Creditor, and he was called ſimply *Magiſter*, and hee in the name of all the reſt ſolemnly proclaimed in the chief places of the city in form as followeth, [i] *Ille debitor noſter in eiuſmodi cauſa eſt, ut bona eius divendi debeant, nos creditores patrimonium eius diſtrahimus: quicunq; emere volet, adeſto.* But for the reconciling of both opinions, we may terme the firſt to be *Proſcriptionem hominum*: the other *Proſcriptionem bonorum*: which diſtinctiō being not obſerved, breedeth a great confuſion in the Authors that treat of this puniſhment, and becauſe

e Sig. de jur. Rom. l. 1. c. 17

f A. Gel. noct Attic. l. 4. cap. 7.

g Camerar. in orat. Cic. pro Muræn.

h Cœl. Rhod. l. 15. cap. 17.

i Roſin. antiq. l. 9. c. 12.

because both were performed by solemn and publique proclamations, hence the name *Proscriptio* agreed as well to the goods confiscated, as to the persons banished: according to that, [k] *Quoniam eorum nomina in publico scribebantur, hinc proscribi dicebantur*. Hence the [l] *Grecians* used not onely the word προγράφειν, but also συλλάβην, to signify the act of *Proscription*, because they wrot in a publique pillar the faults and offences of such as were thus banished. But to proceed without farther digression. *Diminutio maxima* was the losse both of the city, and the freedome; and this I take to be the same which in other termes was called *Lata fuga*, or *Deportatio*, namely a perpetuall exilement: all standing in opposition to that other kind of banishmēt, called *Relegatio*, which was the exilement * only for a season, happily for five yeares &c: see *C. Rhod. lib.* 10. *c.* 5. though I deny not but that *lata fuga* was so called not only in respect of the duration of time, it being a perpetuall banishment, but also in regard of the places so generally prohibited, [m] for he that was thus banished, was tied and limited to one peculiar country, all other places in generall being forbidden him. Those punishments that deprived of life in ordinary use, and of which there is most frequent mention in *Roman* Authors, are these which follow. *Furea, Crux, Carcer, Culeus, Equleus: de rupe Tarpeia deiectio Scalæ, Gemoniæ, Tunica, Damnatio in gladium, in ludum, ad bestias*: In general we are to note, that the execution was without the gates of the city, to prevent the noysomnesse which such abundance of blood might occasion, [n] for which reason the executioner dwelt without the city. Likewise those that were adjudged to death, whē they went to the place of execution, a certain litle bel was tied about them, that by the sound thereof, the people might beware of touching the cōdemned person, because the very touch of him was counted a kinde of pollution: this [o] *Turnebus* obserueth out of *Zonaras*: and from hence the executioners are called [p] *Lanii cum tintinnabulis*. And for this reason [q] it was, that a litle bell

k Fr. Matur. in Philip. orat. 5.
l Suidas in voce συλλ.

* Adde quod edictū quamvis immite minaxq; Attamen in pœnæ nomine lene fuit; Quippe relegatus, non exul dicor in illo, Ovid. de trist lib. 2. Eleg. 1.

m Tholosan. syntag. jur. universf. lib. 31.
n Plaut. Cas. 2. 6.
o Turn. adv. l. 11. c. 21.
p Plaut. pseud. 3.
q Rosin. antiq. l. 10. c. 29.

bell and a ſcourge was hanged up in the hindmoſt part of the chariot, wherein the Lord generall did ride in his triumph, a publike officer which ridde with him in the ſame chariot, now and then plucking him behinde, and bidding him looke back, uſing this forme of words, [r] *Reſpice poſt te, hominem memento te*, that is, Sir look behinde you, remember your ſelfe to be but a man. For the ſight of the ſcourge and bell ſerved to put him in mind, that notwithſtanding his preſent triumph and acclamations, his after-miſeries might be ſuch, that he might be puniſhed not only with whips, but even with death it ſelfe.

[r] Tertul. Apolog. cap. 33.

Cap. 10.

Furca, Furcifer. Supplicium more Maiorum, σκεῦμα.

ANcient authors which doe write of the *Roman furca* doe rather mention it, then explain it, but if wee diligently obſerve what they ſpeak of it, wee ſhall finde the uſe thereof to have been three-fold. The firſt ignominious, which [a] was whē the maſter forced the ſervant for ſmall offences *furcam circa urbem ferre*, to carry this *furca* upon his ſhouldiers about the city, confeſſing his fault, and admoniſhing others to beware of the like offence, & [b] hence ſuch a ſervant was afterward called *furcifer*; & here I think was uſe of thoſe *ſtimuli* or goades, whereof I ſhall ſpeake more in the chapter following; namely that when the party thus to be puniſhed dragged back, and ſhewed himſelfe unwilling, then did the executioner prick him forward with theſe kinde of goades. The ſecond ſort was penall, when the party having the *furca* on his neck, was led up and downe the Cirque, or ſome publique place, and on the way to bee whipt but not unto death; [c] thus *C. Matienus damnatus ſub furca diu virgis caſus erat, & ſeſtertio nummo veniit.* He was after-

[a] Iſidor. orig. l. 10.

[b] Plutarch. in Coriol.

[c] Epit. Livii. dcic. 5. lib. 6.

afterward sold, & therefore died not under the punishment. The third sort was penall to, but in a higher degree; namely, when the malefactor having his head fastned to the *furca*, was whipt under it unto death; and this was by a peculiar name called [d] *supplicium more maiorũ*. This yet differed frõ that beheading with an axe, which was in use among the *Romans*, and called by the *Grecians* πελεκισμὸς from πέλεκυς signifying an axe or hatchet; it differed I say from this, because howsoever there were in this σταυρῷ προσδησις, a tying the party to a stake, or post, and also μαστίγωσις, a whipping, in both which it agreed with the former punishmẽt; yet herein they differed, because in the former they were whipped to death, in the later they were after their whipping beheaded with an axe, as appeareth by the [e] execution of *Antigonus* the King of the Iewes. But to proceed in the description of the *furca*, the form thereof I take to be like the beame of a wayne unto which the yoakes are fastned; it resembleth a fork, & the *furca* is called ξύλον διπλῆν, διχῆν, δίδυμον, *id est, lignum duplex, bicornutum, geminum*, in english a forked piece of timber; there is no such piece throughout the whole waine, as the form of waines is in these daies, but onely the beame thereof. [f] *Plutarch* treating of the *furca*, saith that it is ξύλον ἁμάξης ἃ τὸ ῥυμὸν ὑποβέβληται, that is, a piece of timber about the wagon or wayne, wherewith they upheld the beam and he addeth, that what the *Grecians* call ὑποσταθμὸν and ζυγὸν, the *Romans* call *furca*: now *Hesychius* describeth δίελμα to be τὸ διχῆν ὃ πρὸ ὑποκλίσεως τοῦ τῆς ἁμάξης ζυγοῦ, that is, the forked piece of timber, which they put under the yoak of the wayne; correct *Plutarch* by *Hesychius*, and for τὸν ῥυμὸν read τὸ ζυγὸν, and you have in both, the description of the beame in the wayne. Some think that *Plutarch* compareth the *furca* to certain forked pieces of timber, wherewith the waine was upheld whiles it was unloaded, but how this can stand with *Hesychius* his description of δίελμα, I am yet to learn; notwithstanding if we admit this interpretation, that which

[d] Sueton. in Ner. 49.

[e] Dio. lib. 49.

[f] Plut. in Coriol.

which I would hence infer, is rather confirmed, then any way weakned: namely that the forme of the old Roman *furca* was forked; neither doe there appeare any testimonies so evident to me, as to perswade that among the ancient *Romans* any other was in use. True it is, that in after ages the form thereof was the very same with our **Gallowses** which are now in use, and this happily began, when the use of crucifying was interdicted, which interdiction we read first to have taken place in 8 *Constantines* time.

g Sozom. eccles. hist. l. 1. c. 8

Cap. 4.

Crux. Servile supplicium. Titulus.

CRucifixion hath been a punishment in ancient use among the Romans; it was abrogated by *Constantine*. It was a death that commonly servants were sentenced unto, seldome times free-men, whence it is many times noted out by the name of *servile supplicium* by *Tacitus*: yet h sometimes freemen, though of the baser sort, and for notorious offences were adjudged to this kinde of death: nay a cleer example hereof we have in that * Guardian which *Galba* crucified, for poisoning his ward, for the Guardian calling for the benefit of the law, & avouching in his plea, *That he was a Roman citizen*: *Galba* as if he would allay his punishment with some comfort & honour, commanded the crosse already made to be changed, and another to be reared far higher then the ordinary, and the same laid over with a white colour. Those which were thus to be punished, they bore their crosse upon their shoulders to the place of execution. i *Malefici cum ad supplicium educuntur, quisq; suam effert crucem.* k *Artemidorus* is as plaine, Ἐοικε δὲ ὁ σαυρὸς ὁ μὲν θανάτῳ, ὁ δὲ μέλλων ἀποθνήσκειν, πέρπερον ἀὐτὸν βαστάζει, that is, The crosse is like unto death, and he which was to be crucified did first beare it. The party that suffered this kind of death was first stripped

h Vid. Lips. de cruce l. 1. c. 11.

* Suet. Galb. 9

i Plut. de sera numins vind.

k Vid. Lips. de cruce. l. 2. c. 5.

ped of all his cloathes, for he suffered [l] naked; then was hee fastned unto the crosse and that commonly with nailes, the Greek word προσήλωσις cleerly evinceth as much, wee may render it *Clavifixio*. Now that the equity of the proceeding might clearly appear to the people, the cause of his punishment was written in capitall letters, hence [m] *Dio* speaketh of a servant drag'd to the crosse, μὴ γεγραμμάτων τὴν αἰτίαν τῆς ἁμαρτώσεως δηλούντων, that is, with letters declaring the cause of his death. This inscription was called αἰτία, *Mat.* 27.37. It was also called τίτλος, *Ioh.* 19,19. from the latine word *titulus* used in the same sense. And sometimes ἐπιγραφὴ τῆς αἰτίας, *Mar.* 15.26. or simply ἐπιγραφὴ, *Luc.* 23. 38. [n] *Tertullian* & [o] *Suetonius* calleth it *elogium*. The like kind of publishing the cause, either by an inscription, or by the voice of a common crier was not unusuall in other capitall punishments, as *Attalus* the Martyr was led about the Amphitheatre, πίναξ δὲ αὐτὸν προάγων, ἐν ᾧ ἐγέγραπτο Ῥωμαϊστὶ, οὗτος ἐστὶν Ἄτταλος ὁ χριστιανός. i. A table being carried before, in which it was written in Latine, *This is Attalus the Christian*. That of [q] *Suetonius* is not much unlike, *Patrem familias detractum è spectaculis in arenam, canibus objecit, cum hoc titulo, Impie locutus Parmularius*. What is meant in this place by *Paterfamilias* & *Parmularius*, hath been already declared in the chapter of Fenters: Moreover such as were to be crucified, they were also whipt before they suffered. That same *horrendum carmen* cleerely evinceth as much; the parts whereof are two: First [r] *Verbera intra aut extra pomerium*: Secondly, *Arbore infelici suspendito*. This whipping was sometimes *sub furca*, for this, † *Valerius* is plain, *Cum servum suum verberibus multatum sub furca ad supplicium egisset*: sometimes *ad columnam*. *Artemidorus* is cleare is this, πρὸς κίονι πολλὰς ἐλαφυπληγὰς, that is, being tied to the pillar, hee received many stripes. Happily [t] *Plautus* alludeth to the same,

Abducite hunc
Intro atq; adstringite ad columnam fortiter.

[l] Artimed. lib. 2, 58.
[m] Vid. Lip. de cruc. l. 2. c. 11.
[n] Apol. c. 11.
[o] Suet. in Cal.
[p] Euseb. eccl. hist. lib. 5. c. 1.
[q] Sueton. Domit. cap. 10.
[r] Liv. lib. 1.
† Valer. Max. l. 1. c. 7.
[t] Plaut. Bacc.

Yea the ancient [t] *Fathers* say that our blessed Saviour was thus whipt: touching the place or manner the scripture is silent, only that he was whipt it testifieth, & that with scourges. Τὸν δὲ Ἰησοῦν φραγελλώσας παρέδωκεν ἵνα σταυρωθῇ, *Mat.* 27. 26. This fore-whipping I take to bee a matter unquestionable, but that they should be whipt on the way towards the place of execution, I much doubt, much more that they should bee goaded on the way with pricks and goads, by the executioner. That there was [u] *stimuleum supplicium*, a kinde of punishment with pricks and goades is evident, and hence commeth that phrase *Stimulo fodere*, and hence that other phrase of Kicking against the pricks: Parallel to which is that of *Plaut. Truc*, 4. 2. *Stimulos pugnis cædere*. But this kinde of punishment I take to haue been exercised onely by Masters towards evill servants, and that not as preparatory to death, but for their reformation in future times: whence by way of contempt, a servant thus handled was termed *Carnificinum cribrum*, because he had his back so boared with those pricking instruments, that it looked like a sieve full of holes: Otherwise, if we understand it as a punishment imposed by publique authority, we may say, that thereby is denoted a certain punishment, exercised towards theeves in time of their examination, that by the pricking and goading of them the truth might be confessed, * for to that end theeves were thus tortured, and thence were they called *Centrones*, from κέντρον *Stimulus*. Lastly, wee must remember that these three words *Furca*, *Crux*, and *Patibulum*, are many times used promiscuously, signifying the whole crosse on which malefactors suffered, but in strict propriety of speech, *Furca* signifieth that forked instrument of which we treated in the former Chapter: *Crux*, that erect part of the crosse standing upright: and *Patibulum*, the thwart peice of timber upon the top of the crosse: yet sometimes also *Patibulum* is taken for the *Roman furca*, whence *Patibulatus* and *Furcifer* are used as words æquivalent, and in both senses it may

[t] Prudentius Hieronym. Beda, vid. Lipsi. de cruce l. 2. c. 4.

[u] Plaut Mil. 2. 6.

[x] plaut. Most. 1. 1. 1.

* Cœl. Rhod. lect. antiq. l. 10. c. 5.

may borrow its name from *Pateo* to lie open; becauſe as the malefactors hands were ſpread abroad being faſtned to the thwart piece of timber upon top of the croſſe: ſo were they likewiſe ſpread abroad under the *Furca*, his two hands being tyed to the two forked ends thereof.

Cap. 5.

Carcer, Ergaſtulum Tullianum, Robur, Malamanſio, Nervus, Collumbar, Numella, Codex.

HOwſoever *carcer* and *ergaſtulum* are uſed promiſcuouſly by modern writers, yet if we diligently enquire into each words origination, and how they have been uſed by more ancient Authors, wee ſhall finde them thus differenced: *Ergaſtulum* was a priſon much reſembling our houſe of Correction, into which ſervants only were caſt: *Carcer* a more publique priſon, unto which men of better rank and faſhion upon juſt occaſion were committed. Secondly, the power of ſentencing any ſervant to the *Ergaſtulum*, was proper and peculiar to the Maſter of the ſervant, without approbation from publique authority, but the power of committing to the priſon called *Carcer*, was onely in the publique Magiſtrate: Thirdly, *Ergaſtulum* took away onely the liberty and pleaſure of life: *Carcer* life it ſelfe. The word *carcer* hath his name *à coercendo*, from reſtraining men of their liberty. [a] It had two principall parts, the one called *Tullianum*, the other *Robur*: beſides many other roomes wherein men were kept cloſe priſoners, thoſe two places were aſſigned for execution. In that which they called the *Tullianum* (we may engliſh it Dungeon) they ſtrangled malefactors. [b] It had its name from *Servius Tullius* a *Romã* king the firſt inventer & author thereof. Of this *Saluſt* writeth, *Eſt locus in Carcere quod Tullianum appellatur, ubi paulacim*

a Sig. de jud. lib 3. c. 17.

b Sig. ibid.

tim aſcēderis ad lævam circiter duodecim pedes humi depreſſus eum muniunt undiq́, parietes, atq́, inſuper camera lapideis fornicibus iuncta, ſed inculta tenebris, odore fœda, atq́, terribilis eius facies eſt. In that other place which they called commōly *Robur*, ſometimes [c] *Robuſtus Codex*, ſometimes [d] *Cuſtodia ligvea*, ſometimes [e] *Italum robur*, (our engliſh phraſe **ſtrong hold** fitly anſwereth it) they broke malefactors necks by a kind of præcipitation or tumbling them headlong, [f] frō a certain ſtock of a tree faſtned there in the earth; unto this *Tully* alludeth, *Quæro fregeris ne in carcere cervices illiuſt Vectio:* But more expreſly *Plautus*, [g] *At egō faciam vos ambos in robuſto cartere ut pereatis;* Thoſe that had the chief overſight in ſuch executions were called *Triumviri capitales*, that is **high Sheriffs**. The whole proceeding is ſet down by *Valerius*, [h] *Mulierem damnatam Prætor Triumviro necandā in carcere tradidit, quam receptam is qui cuſtodiæ præerat, miſericordia motus non protinus ſtrangulavit; aditum etiam filiæ dedit, ſed diligenter exeuſſæ, ne quid ſibi inferret, exiſtimans futurum, ut inediâ conſumeretur; cùm vero animadvertiſſet, filiam matrem lactis ſui præſidio ſuſtentantem, rem ad Triumvirum, Triumvir ad Prætorem, Prætor ad conſiliū judicum pertulit, & remiſſionem mulieri impetravit.* It is much cōtroverſed among interpreters, what that kinde of puniſhment was which they termed *Malam manſionem*, wee may engliſh it **litle eaſe**. Some underſtand hereby a certain deep dungeon, made in the form of a pit or well, called therefore in latine *puteus*; but this as it ſeemeth by that of *Plautus*, was a puniſhment proper and peculiar to theeviſh cookes: [i] *Coqui abſtulerunt, comprehendite, vincite, verberate, in puteum cōdite.* Others underſtand hereby a cloſe priſon, which becauſe of its ſtraightnes & cloſenes they called *arcam*, a cheſt: the uſe of this priſon, was for the ſafe keeping of ſuch who were afterward to be examined of farther matters; though ſometimes other offenders were caſt into the ſame. Of theſe priſons *Tully* ſpeaketh, [k] *Subito abrepti in quæſtionem, tamen ſe-*

paran-

c Plau. pœn. 5.3.
d Plau. pœn. 5.6.
e Hor. lib. 2. od. 13.
f Turneb. adv l. 23. c. 21.
g Plau. in cur. c. act. 5. ſc. 5.
h Valer. l. 5. c. 4.
i Plau. Aulul. 2.5.
k Cic. pro Milone.

parantur à cæteris; & in arcas conjicinntur, ne quis cum his colloqui poſſit. Another kind of priſon there was called *Sextritium*, thus it is commonly rendred in Latine, but the Greeke word is ἑξήρειον, and accordingly [a] *Turnebus* tenders it *Seſtertium*, being of opinion that it was ſo called from the quãtity of ground it contained, namely two acres & a halfe: *C. Rhodiginus* thinketh that *Spoliarium* and *Sextritium* were not places unlike, but herein not he alone, but divers others have been deceived: for *Sextritium* is apparently a place of [b] execution, where thoſe were executed whom the *Roman* Emperours adjudged to death: now whether that *Spoliarium* were a place of puniſhment I much doubt. What in Latine we call *Spoliarium*, that the Greeks termed σποδοτήκιον both doe ſignify primarily litle cels or chambers neer adjoyning to the baths, where ſuch as waſhed themſelves laid up their cloathes: In a borrowed ſenſe both are uſed to ſignify chambers and cels adjoyning neere unto the Amphitheatre or fencing place, wherein the fencers did put up their cloathes in time of fight, and becauſe ſuch as were wounded in fight were carried into thoſe chambers, where they languiſhing with much pain, at laſt notwithſtanding expired for the moſt part, & that not without much torturing of the Chirurgion, hence ſuch a Spittle-houſe is alſo called *Spoliarium*. Thus much *Seneca* ſeemeth to intimate, [c] *Nunquid aliquem tam cupidum vitæ putas, ut jugulari in ſpoliario, quàm in arena malit?* Whereby it appeareth, that *Spoliarium* was not a priſon, unto which malefactors were judged, but rather as I ſaid a kinde of Spittle-houſe. Other kind of puniſhments, there were of a neer likeneſſe with impriſonments, and caſting into the pillory, laying one by the heeles, &c. of theſe litle is ſpoken more then the very names; of this ſort thoſe that doe moſt commõly occur in authors, are theſe. *Nervus; Cellũbar, Numella, Codex.* *Nervus* is generally thought to reſemble our Stocks. [d] ſome take it to be made of wood, others of yron, [e] *Nervum appellamus ferreum vinculum, quo pedes im-*

[a] Turn. adv. l. 3. c. 18.

[b] Plutarch. in Galba.

[c] Sen. ep. 94. De ſpoliario. Vid. Lipſ. Sat. 1. 18.

[d] Vid. Taubman. in Plau. Aulul. 4. 10.

[e] Feſt. Vid. Lam. in Plau. Aulul. 4. 10.

pedimur: quanquam Plautus eo etiam vinciri cervices ait. Two of the laſt ſeem to have ſome reſemblance with our Pillory: *Collumbar* had its name from *Collum*, becauſe the neck was chiefly pained in this kinde of puniſhment. *Numella* was alſo a kind of Pillory being ſo called *quaſi* [a] *Nuella, quòd qui eo vinculo conſtricti erant, nuere demiſſo & capite eſſe cogebantur. Codex* was a certain block or Clog, ſo tied unto the Malefactors, that they uſed it as a ſtool to ſit on: the uſe of this may ſeem to have been only in private houſes, thereby to keep evill ſervants the cloſer to their work, of this *Iuvenal* ſpeaketh. *Sat.* 2.

[a] Turneb. adverſ. l. 23, c. 21

[b] Turneb. lib.

Horrida quale facit reſidens in codice pellex. [b] *Turnebus* deſcribeth it thus, *Codex eſt ligneus ſtipes, quem allegati ſervi qui deliquerant trahebant, cuiq; inſidebant vincti.*

Cap. 6.

Culeus.

THe crime which in Latine we call *Parricidium*, is murder practiſed by Father or Mother towards the children or by the children towards either of the parents. It had in old times a larger exception, ſignifying any murder between man and man, and then it was called *Parricidium, quia par parem occiderat*. The word taken in his firſt and proper ſignification, denoted a fact ſo unnaturall, that neither [y] *Solon* nor *Romulus* would determine any puniſhment againſt ſuch offenders, becauſe they thought none ſo wicked as to commit it, and the prohibition it ſelfe might prove a kinde of irritation to provoke ſome to the commiſſion of the crime, which otherwiſe would never have entred into their hearts: but the wickedneſſe of the aftertimes, enforced Lawgivers to invent a ſharpe puniſhment againſt ſuch unnaturall offences. The puniſhment decreed againſt Parricides in [q] *Senecaes* age, was, that ſuch malefactors ſhould bee ſowed

[p] Cic. pro Sext. Roſcio.

[q] Senec. lib. 5. controv. 4. in fine.

ſowed up in a leatherne ſack together with ſerpents, and ſo caſt into the ſea; afterward there was ſowed up in the ſame ſack an ape, and a cock, and at laſt a dog. Whence *Juvenal. Satyr.* 8.

Cuius ſupplicio non debuit una parari
Simia, nec ſerpens unus, nec culeus unus.

[a] *Modeſtus* deſcribeth the manner thereof thus: The Parricide being firſt whipt with rods untill the blood came, then was he ſowed up in this ſack called *Culeus*, together with a dog, a cock, a ſerpent, and an ape. [b] They would not caſt him naked into the ſea, leaſt the water thereof thereby might be polluted, wherewith all other pollutions in their opinion, were expiated.

[a] Digeſt. lib. 48. ad legem Pomp. de parric. vid. Cœl. Rhod. lib. 11. cap. 21.
[b] Cic. pro Sext. Roſc.

Cap. 7.

Eculeus, Lamina Vngulæ. Fidiculæ, ξυσμὸς.

Eculeus had its derivation from *Equus*, *quaſi Equuleus*, as may be collected from that deſcription which [c] *Turnebus* giveth: But not ſo much from the poſiture or ſituation of the offenders body on the engine as *Turnebus* would have it, for he in no wiſe reſembled a man on horſeback, but rather from the horſing or hoiſing up of the party faſtned with ropes unto the *Equleus*, ſo that his hands being tied faſt at the upper part of the engine, and his feet at the neather part, hee was hoyſed up in the ayre like unto one faſtned on a croſſe. The form of the *Equleus* I conceive thus, It was not one entire ſtake, but rather two long peeces of timber joyned together in form of a ſtake, joyned together I ſay, by the meanes of a vice or ſcrue; and the reaſon hereof was that by help of this ſcrue, the upper part of the engine might be lifted up to the racking and torturing of the malefactor, or let down to the eaſing and remitting of his paines as ſhould ſeem good to the executioner, or other Officers, who

[c] Turneb. ad verſ. l. 4. c. 3.

who now and then would grant ſome remiſſion and reſpite in hope of a confeſſion. For in the firſt inſtitution the maine end of this torture was to work out the knowledge of the truth. Neither did they alone rack the parties ioynts in this kind of puniſhment, but to enforce him unto a confeſſion by an augmentation of his pain, they did often with hot plates & yron pinſors, burne and teare his fleſh from his ſides, and all this we ſhall finde warranted by [d] *Sigonius*, whoſe words I have written down at large, *Eculeus cataſta fuit lignea, cochleata, ad intendendum ac remittendum apta at q. ad torquendos homines ut facti veritas eliceretur inſtituta. Tormenti verò genus erat huiuſmodi, ubi cataſtæ huic brachia pedeſq. eius, qui torquendus erat, nervis quibuſdam, quæ fidiculæ dicebantur alligaverant, tum cataſta intenta at q. in altum erecta, ut ex eo quaſi ex cruce quadam miſer ille penderet, primum compagem ipſam oſſium illius divellebant, deinde candentibus eiuſdem corpori laminis admotis, at q. biſulcis ungulis ferreis lateribus laniatis doloris acerbitatem augebant.* And thus we ſee what the uſe of thoſe *Laminæ* and *Ungulæ* were, namely that they were not ſeverall torments of themſelves, but adjuncts to this, to encreaſe the pain. The *Eculeus* was ſometimes called [e] *lignum tortorium:* ſometimes [f] *ſtipes noxialis*. The torturing engine called *Fidicula* was not much unlike: *Fides* ſignifieth the ſtring of any muſicall inſtrument, and the engine had its name from the ſtrings and cords wherewith men were tortured upō it; of this *Turnebus* writeth. *Fidiculæ quæ in tormentis numerantur, mihi videntur laſcivia quadam ioci nomen inveniſſe, quod ut in fidibus nervi item quoq. ut nervi hinc & inde multis funibus homines diſtendebantur.* The torment [g] Κύρις uſed by the *Græcians*, was either this ſame or very like.

[d] Sig. de jud, l. 3. c. 18.

[e] Sozom. hiſt. Eccl. l. 5.

[f] Prudent. in hymno Vincent. Martyr.

[g] Turneb. adv l. 4. c. 3.

CAP. 8.

Cap. 8.

De rupe Tarpeia deiectio. De lapide empti. A furca redempti. Scalæ Gemoniæ. Tunica. Damnatio in gladium, in ludum, ad beſtias.

MAlefactours for notorious offences were tumbled down headlong from a certain rock in the *Tarpeian* Mount: This kinde of puniſhment was called either ſimply *Dejectio è ſaxo*; or *Deiectio è Tarpeia rupe*. In ſome caſes notwithſtanding, by the interceſſion of friends, or ſome other meanes, pardons were ſometimes obtained for the condemned perſons, whereby they were freed from death howſoever the diſgrace and infamy cleaved ever after unto thē, and therfore they were termed *de lapide empti*: which phraſe [h] *Cœlius Rhodiginus* hath paralleld with that, *à furca redempti*, that is, *ſaved from the gallowes*. In the *Aventine* Mount was a place of like nature, called *Scalæ Gemoniæ*: certain ſtaires whither condemned perſons were dragged, and ſo caſt headlong into the river *Tiber*. *Rœlius Rhodiginus* ſeemeth to be of another opinion: [i] who deſcribing this puniſhment, ſaith, that an hook was thruſt into the malefactors throat, and and ſo he haled by the Executioner unto theſe ſtayers, where having his thighs broken he was burnt. Furthermore he addeth, that they were called *Scalæ Gemoniæ*, or *gradus Gemonii*, becauſe, as ſome are of opinion, the firſt that ſuffered this kinde of puniſhment his name was *Gemonius*: or as others would have it, becauſe it was *locus gemitus, & calamitatum*. If wee admit that malefactors were here burnt, then may we think this puniſhment *ad Scalas Gemonias* to be the ſame, which ſometimes was called *Tunica*. The reaſon of which name was, becauſe perſons thus to bee burned, were clad with a coat dawbed in the inſide with pitch and brim-

[h] Cœl. Rhod. ant. l. 25. c. 22.

[i] Cœl. Rhod. l. 10. c. 5.

k Senec. ep. 14.

stone. Thence is that of k *Seneca*, *Cogita illam tunicam alimentis igneum & illatam & intextum.* This giveth light to that of *Iuvenal. Sat.* 8. *Tunica punire molesta.*

l Tertul. ad Martyr.

l *Tertullian* also mentioneth it in this sense. To these may be added two other punishments usually inflicted upon fugitive servants, but yet not so restrained unto them, as that they were not sometimes extended to other malefactors. The first is *Damnatio in gladium*, A condemning one into a fence-schoole, there to be trained up in the art of fencing, untill some publike prizes were plaid, at what time such a condemned person was to fight for his life. m *Capitolinus* calleth it *Ad gladii ludum deputationem*: But *Vlpian*, as n *Lipsius* elsewhere obserueth, differenceth these two phrases thus; Hee that was *ad gladium damnatus*, was either presently put to death, or else at farthest within the compasse of an yeare: but he that was *damnatus in ludum*, had not death so peremptorily sentenced upō him; if he scaped the danger of those publike prizes, & alwaies got the upper hand of his aduersaries, at three yeares end, he receaued the *Rudem*, or wand, which was a token of discharge from those bloody combats: yea at five yeares end, he received the *Pileum*, or cap, which was a token of his infranchisement or freedome in the city. The second sort was *Damnatio ad bestias*, A condemning of a mā to fight for his life with beasts; as with Beares, Leopards, Lions, &c. The persons thus condemned were termed o *Bestiarii*. A memorable example thereof we have in a certaine *Roman* seruant called *Androclus*, p who having run from his master, lived in a wildernesse, and whiles he rested himselfe in a den, there came a fierce Lyon unto him, moaning and grieving because of a stump of a tree which stuck fast in his foot; *Anodroclus* at first beganne to be affrighted, but the Lion comming neerer and neerer unto him, and laying his foot on the mans lap, intimated his desire of helpe from him, which when the man perceived he plucked out the stump, and gave him what ease he could. Afterward this fugitive being

m Vid. Lipsi. Saturn. l. 2. c 3

n Lipsi. Satur. l. 2. c. 23.

o Alex. ab Alex. l. 3. c 5.

p A. Gel. l. 5. cap. 14.

being apprehended and adjudged to this puniſhment, it happened that this very Lion was brought into a ſhew-place for *Androclus* to fight with, where inſteed of a fierce onſet, the Lion uſed a tame and familiar fawning on him, whereupon the ſpectators admired, and underſtanding the former paſſages between *Androclus* & the Lion, they releaſed the ſervant and freed him from his puniſhment. Where wee muſt note that this pardon was extraordinary: [q] for uſually if any ſo condemned happened to overthrow a beaſt or two, yet was he not thereby diſcharged, but was to encounter with others untill he were killed. Yea it was very ſeldome that the man could prevaile againſt the beaſt, on the contrary one Lion hath prevailed againſt two hundred men; according to that, [r] *Præclara ædilitas, unus leo ducentis beſtiariis.* By which we ſee many mē one after another did thus fight with beaſts at the ſame meeting: yea the [s] *Grecians*, called ſuch as ſucceeded the firſt combatants ἐφέδρους, the Apoſtle S. *Paul* calleth them ἐσχάτους, becauſe they were reſerved until the laſt. [u] *Tertullian* readeth that place in this ſenſe, and the words themſelves enforce as much: for what ſhall we underſtand by ἀθλητὰς θεάτρου, but the very ſpectacle or ſhew it ſelfe, and what by ἀπέδειξεν, which ſignifieth properly *Oſtendit*, but an alluſion to him who was the chiefe author and exhibiter of theſe bloody ſpectacles unto the people. † *Lipſius* hath paralleld that phraſe of *Tully*, *Oſtendere munus*, with that of *Suetonius*, *proponere munus*; both ſignifying the ſetting forth or beſtowing the ſight of ſuch maſteries, & fightings. And that it was no unuſuall kinde of Martyrdome in times of the primitive Church, thus to expoſe holy men to the fury and rage of wild beaſts, appeareth by the example of *Ignatius*, who rejoyced to be grownd between the teeth of wild beaſts, that he might bee found pure bread: Whoſe words were [x] *Frumentum ſum Chriſti, & per dentes beſtiarum molor, ut mundus panis Dei inveniar*: yea the word ἐπιθανάτιος, *mortiaddictos*, helpeth this interpretation: the word intimateth

[q] H Salmuth. in Pancirol. de veter. ludis.

[r] Cic. in orat. pro Saſtio.

[s] Suid. in voce Ἐφέδρους.

[t] 1. Cor. 4. 9.

[u] Tertul. l. de pudicit.

† Lipſ. Satur. lib. 2. cap. 18.

[x] Iren. adv. hæres. l. 5. c. 28 It. Euſeb. hiſt. Eccl. 3. c. 33.

that there was a ſure death remained for them alſo, though the laſt. The cuſtome being in the morning to commit men with beaſts, but thoſe ἐφήλοι which remained till noonetide, and were therefore called *Meridiani*, were committed each againſt other, and that without any defenſive weapons, with ſwords in one hand cutting, and with the other hand being empty, graſping and tearing each others fleſh, ſo that [x] *Seneca* ſpeaking of this, comparing it with that former fighting with beaſts, ſaith, *Quicquid ante pugnatum eſt, miſericordia fuit.*

[y] Suet. Claud. c. 34.

[z] Senec. ep. 7.

Cap. 9.

Ergaſtulum. Ergaſtula inſcripta. Piſtrinum. Damnari in Antliam. Metallum. Inſcripti. Stigmatici. Literati. Virgæ. Flagella. Talio.

THE ſtate and condition of ſervants was various and differing among the *Romans* in old time, but of all they were moſt miſerable who lived in priſon. Whence thoſe that were ordinarily imployed in theſe priſon ſervices, they were either ſuch ſervants as were bought for that purpoſe, or ſuch as for notorious crimes were adjudged thereunto in way of puniſhment, whence the word *Ergaſtulum* is juſtly derived from the Greek Ἐργάζομαι becauſe it is τόπος ἐν ᾧ οἱ δεσμῶ) Ἐργάζονται: *locus in quo vincti operantur.* For even in the day time when they were ſent forth to work they had ſhackles and bolts about their legs to prevent their ſcapes or running away, though not ſo big as thoſe into which they were caſt at night when they returned into priſon. Their fetters or bolts are oftentimes in ancient writers (peradvẽture from the form of their links) termed *Annuli*, and themſelves ſaid to have *pedes Annulatos.* They had alſo their foreheads marked or burned with ſome letters of infamy, which is the reaſon of *Juvenals* Epitheton, *Inſcripta Ergaſtula.*

Quem

Quem mirè adficiunt inscripta ergastula. The labours in which they were imploied, were sometimes digging, delving, and tilling the ground: sometimes digging of quarry pits, sometimes grinding with an hand-mill, sometimes drawing water: this latter kinde of punishment in [m] *Suetonius* his phrase is *In Antliam damnari.* Those Criticks who for the word *Antlia* doe substitute *Anticyra*, or *Andia*, or such like names of Ilands, doe utterly faile of the Authors scope, and drift; for the punishment which *Suetonius* speaketh of, is some strange or unusuall punishment: now seeing that Senatours themselves were often exiled, it could not seem strange that *Roman* knights should bee banished into forreigne lands; but this was a matter unusuall, and unheard of, that a *Roman* knight should be imployed in such drudgeries. Again the word *Antlia* fitly denoteth such a kinde of labour, whether we respect its Etymology ἀπὸ τῆς ἀντλεῖν; or its signification in Latine authors, it being used by them to signify a great bucket, or water-scoupe to draw up water. Thus *Martial, Curta laboratas antlia tollit aquas.*

[m] Suet. Tiber. cap. 51.

The handmill is often expressed by the latin word *pistrinum*, a word frequent in Comicall Authors. It much resembled our **Bride-well** or place of correction, being called *pistrinum à pinsendo*, from pounding. For before the use of mills was knowne, the *Romans* did pound their corn in a great morter, calling the place where they pounded it *pistrinum*: whereupon our handmill hath retained the same name to this day. And because of the great paines that men did suffer in pounding, as likewise the strict discipline used towards servants thus punished (for [n] their neck was thrust into a certaine wooden engine called *pausi cape*, made for the purpose lest happily in time of grinding they might eat of the meale) hence grew a custome among them, that when a servant had offended his master, he would menace him in this manner, *In pistrinum te dedam.* I will cast thee into **Bride-well**. The punishment *Metallum* was not much unlike the diging in met-

[n] Turn. adv. l. 4. cap. 13.

tall-mines,& working in mettall houſes,appeareth not only to have been a baſe and ſervile, but alſo a very laborious and painfull worke; whence it was eſteemed a grievous puniſhment to be adjudged to mettall works, or caſt into a mettall houſe. And either for the encreaſe of ſuch mens paines, or for to keep them from eſcapes, they were enforced to work with their fetters and geives about them, as is implied by o *Vlpian* who makes the difference between theſe two phraſes, *Damnari in metallum*, and *Damnari in opus metalli*, to be thus; that the firſt ſort did weare heavier and greater fetters then the laſt. How true the difference is I leave it to the enquiry of others, but that it was a great and infamous puniſhment p *Tertullian* witneſſeth, in that ſpeech of his againſt the heathen people, *De veſtris ſemper æſtuat carcer, de veſtris ſemper metalla ſuſpirant*. Sometimes there was onely ignominy and diſgrace intended in their puniſhments, of which ſort was the bearing up and down the *Roman Furca* in the market place, or elſewhere in publique view, whereof I have ſpoken in the chapter of *furca*, likewiſe a branding of the Malefactor with ſome infamous letter in his forehead or hand, or ſome other part of the body: whence q *Pliny* calleth ſuch ſervants *Inſcriptos*. Generally they are called *Stigmatici* from στίζω, which ſignifieth to brand with markes; As *Nebulo ſtigmaticus*, a rogue burnt in the hand; or any way marked; ſometimes ſuch are called *Literati*. The *Athenians* being enimies to the *Samii*, as often as they took them captives, they did uſe thus to burn them for Rogues, which occaſioned that proverbiall ſcomme; *Samiis neminẽ eſſe literatiorem*.

o Vid. Cœl. Rhodig. l. 10. c. 5.

p Tertul. apolog. c. 44.

q Plin. l. 18. c. 3.

r Cœl. Rhod l. 7. c. 13.

Sometimes beſides the diſgrace there was alſo toileſome paines, as appeared by their *Ergaſtula*; & ſometimes to their paines ſtripes added: though I deny not, but that many times, correction with ſtripes was a preparation for death it ſelfe. This correction by ſtripes was twofold, either it was *Verberatio*, or *Flagellatio*: the firſt was with rods called *Virgæ*

Virgæ; the other with ſcourges called *Flagella*. That there was a difference between *Virgæ* and *Flagella*, is plaine by *Tully*, where by way of Irony he ſaith, *Porcia lex virgas ab omnium civium corpore amovit; hic miſericors flagella retulit.* Both of them were counted ſervile, ſo that Freemen were ordinarily exempted from them, as appeareth.

——— [m] *Ad necem operire loris. Sann loris liber?* m Ter. Adelp. act 2. ſcen. 1.

Horace alſo intimating the ſervile condition of *Meva* ſaith: n Epod od.

[n] *Sectus flagellis hic triumvirabilibus.*

They are called *Flagella triumviralia*, from thoſe *Triumviri* who formerly I tranſlated Sheriffs, becauſe to them belonged the overſight of this puniſhment. *Euſtathius* calleth them ἀφαλωτὰς μάστιγας, *id eſt*, *Flagra alaria*, *ſeu taxillata*, becauſe to augment the paines, they did uſually in theſe ſcourges tye certain hucklebones or plummets of lead at the end of the whip-cords or thongs, and ſuch ſcourges they termed *ſcorpiones*. The cruelty of the ſcourges was ſuch that they many times died under them. Thus haue we generally and briefly touched the more uſuall puniſhments. But ſometimes wrongs done between party and party, were puniſhed with a retaliation of the ſame kinde: according to that, *A tooth for a tooth, and an eye for an eye.* And this kinde of puniſhing was called *Talio*. Yet weare to know that a ſimple retaliation, ſuch as is termed *Talio Pythagorica*, was not alwaies exacted; but ſometimes ſatisfaction might bee wrought by a commutation of the puniſhment. [o] *Reus habuit facultatem paciſcendi, & non neceſſe habuit pati talionem, miſi eam elegiſſet.* It were endleſſe to ſpeak of all their puniſhments and happily not worth the labour, their very names being ſufficient comments to explain them. As *Effoſſio oculorum*, *Amputatio manuum*, *Cruri-fragium*, *Tali-fragium*, and ſuch like.

Tholoſ. in ſyntag. iur. univerſ. c. 11. l. 31.

o A. Gel. l. 11. cap. 1.

LIB.

LIB. 3. SECT. 4.

Of the Roman Lawes.

CAP. 1.

De Legibus.

HAving ſpoken of the civill Magiſtrates, and puniſhment, we will now alſo deſcend unto the civill law: where firſt we will note among other differenees between *Ius* and *Lex* principally theſe; Firſt, *Lex* ſignifieth only the Law, but [a] *Ius* ſignifieth alſo that place, whereſoever the Law or Iuſtice was adminiſtred: not only if it were adminiſtred out of the Tribunal in the *Comitio*, or great hall of Iuſtice, which was termed by the Lawyers, *Agere pro Tribunali*: but alſo if it were adminiſtred in a private houſe or in ones journey, ſo that it were by a lawfull Magiſtrate, and out of the curule chaire; and this was tearmed by the Lawyers *Agere de Plano*: and hence is it, that *In ius vocare* ſignifieth to cite one into the Court. Secondly, *Lex*, ſignifieth only the written law, but *Ius* ſignifieth equity, ſo that [b] *Ius permaneat ſemper, nec unquam mutetur*: *Lex verò ſcripta ſæpius*. Notwithſtanding theſe two words are uſed promiſcuouſly one for the other, and therefore leaving all curious differences between thoſe words (whether the

[a] Sig. de jud. l. 1. c. 7.

[b] Fr. Sylv. in orat. pro Mil.

Roman

Roman laws were truely *Iura* or *Leges* (thus much we may obſerve that the laws uſed among them were of three ſorts; either they were ſuch as were made by ſeverall *Roman* kings, and afterwards collected and digeſted into a method by *Papirius*, [c] from whence it was called *Ius Papirianum*: or they were ſuch as the *Decemviri* brought from *Athens*, and were called *Leges 12. tabularum*: or laſtly they were ſuch as the *Conſuls*, the *Tribuni Plebis*, and ſuch Magigrates did preſer, whence every ſeverall law bore the name of him or them that preferred it. My purpoſe is to explain onely this latter ſort, and that not all of them, but ſuch alone as I have obſerved in *Tully*, and that chiefly in his Orations. My proceeding ſhall bee firſt to ſhew the divers kindes of iudgements; and then to deſcend unto the lawes themſelves, beginning with thoſe which ſhall concern the *Roman* religion and then proceeding to the others, which concern the commonwealth.

c Fr. Sylv. in ep vitorum illuſt. l 5. ep. 11.

Cap. 2.

De Iure publico & privato.

THE caſes to be decided by the law were either publike or private, & accordingly were the judgements, [d] *vel privata, in quibus ius ſuum privatus quiſq; perſequebatur: vel publica, in quibus iniuria quæ reip. facta erat vindicabatur.* The private (as we obſerved before) belonged unto the *Prætori urbano & peregrino*, that is, the L. chiefe Iuſtices, who did either give judgement themſelves, and then were they ſaid *iudicare*, or they did appoint others to ſit in judgement, and [e] then were they ſaid *Iudicium dare*: in the abſence of the *Prators* there were ten called *Decemviri Stlitibus iudicandis, id eſt, [f] ſuper lites iudicãdas*, who in the ſame manner as the *Prætor*, might either give judgement themſelves, or appoint others, for they were even in [g] one place

d Sig. de iure Rom. l. 2. c. 18

e Sig de iud. l. 1. c. 7.

f Roſin. ant. l. 7. c. 29.

g Alex. Gen. dier. l. 3. c. 16.

put in a gage of mony into the court, which he would forfeit if he were cast, which being done, the plaintiffe did also upon the demand of the defendant put in a gage of mony to be forfeited, if he prevailed not in his suit. This gage of mony was termed [r] *sacramentum*; and in this sense, *Tully pro Milone*, saith, *Injustis vindiciis & sacramentis alienos fundos petunt*, that is, they sue for other mens grounds, with unjust actions and gages of mony. Thirdly, *An satisdaret*, that is, whether he would put in surety, that during the triall in law, the ground or house called in question should not be impaired? The solemne forme of words used in the first demand, is thus to be seen in [s] *Tully*, *Quando in iure te conspicio, postulo anne fies auctor?* If the defendant held his peace, then was he adjudged to pay all costs and dāmage; if he professed himselfe the present *possessor*, then did the plaintiffe proceed in māner as he should for the possession thereof; if he denied it, then did the *Prætor* say unto the plaintiffe, *Quando negat, sacramento quærito*: Thereupon saith the plaintiffe to the defendant, *Quando negas, te sacramento quinquagenario provoco: spondes ne te soluturam quinquaginta asses, si auctor sis?* To whom the defendant replied, *spondeo quinquaginta asses si auctor sim: Tu verò spondesne idem, ni sim?* The Plaintiffe answered, *Ego quoq; spondeo.* Now in this kind of stipulation, the plaintiffe was said *sponsione & sacramento provocare, sacramento rogare, quærere, & stipulari*, that is, to challenge one to pawne a summe of mony for the triall of a suit in law. The defendant was said, *contendere ex provocatione, contendere sacramento, & restipulari*, that is, to be sued in such māner. This mony was termed *sacramentum*, [t] becausse when it was forfeited, it was bestowed *in rebus sacris & divinis*. Touching the last interrogatory, I read no set forme of words, but by the word *satisdatio*, the intelligent reader may conject, that it did somewhat symbolize with our English custome of putting in bayle. [u] This putting in of bayle was twofold: The one was *satisdare indicatum solvi*, to bind himselfe to

[r] Sigon. de judic. l. cap. 21.

[s] Cic. orat. pro Muræna & pro Cœcin.

[t] Sig. de jud. lib. 1. cap. 21.

[u] Sigon de judic. l. 1. c. 27.

to pay what ſhould be adjudged. The ſecond, was *ſatiſdare rem ratam habere*, To become bound that he would ſtand to the verdict and judgement of the court. The firſt of theſe bonds was required to be performed by the defendant: the ſecond by the plaintiffe's Proctor or Attourny. But if the Action were an action of debt, then the Proctours alone became bound; the Plaintiffes Proctour that he would ſtand to the judgement; the Defendants Proctor, that the debt adjudged ſhould be paid.



LIB. 4.

Rites and cuſtomes obſerved by the Romans in their warres.

De Militia.

TOuching the art *Military* uſed among the *Romanes*, it will not be impertinent to conſider firſt how warre was proclaimed, and peace eſtabliſhed by them; then to march on to the deſcription of their bands, or companies, where we may firſt obſerve the office of their chiefe Captaine, and their ſubordinate leaders, together with the ſeverall wards, into which the univerſall army was divided. After this we may deſcend unto the diverſity of puniſhments uſed toward Captives, and likewiſe towards refractorious and diſobedient ſouldiers: Adding a *Corollary*, or *Period* to our whole diſcourſe the ſeverall rewards, which the L. Generall with his ſouldiers after the performance of certain noble atchievements receaved.

CAP. 1.

CAP. I.

De ritu, quem Romani obſervârunt vel fœdus feri entes, vel bellum inferentes: & de triplici ratione conſcribendi milites.

WEE may remember that it hath been already ſhewne, that both the proclaiming of warre and peace belonged unto a certain order of *Roman* Prieſts called *Fœciales*, who by reaſon of their office I engliſhed **Heralds at armes**. The rites and ceremonies, which they uſed, when they proclaimed peace were as followeth: *viz.* One of thoſe Heralds having his commiſſion from the State (after that both ſides had agreed upon the truce and league now to be concluded) took up a ſtone in his hand [a] uſing this ſolemne forme of words: *Si rectè & ſine dolo malo hoc fœdus atq; hoc juſjurandum facio, dii mihi cuncta felicia præſtent, ſin aliter aut ago aut cogito (cæteris omnibus ſalvis) in propriis patriis, in propriis legibus, in propriis laribus, in propriis templis, in propriis ſepulchris ſolus ego peream, ut hic lapis è manibus decidet*, and therewithall he caſt the ſtone out of his hand: which manner of oath was tearmed *Iurare Iovem lapidem*, or *per Iovem lapidem*, that is, as it hath been rendred by *Feſtus*, to ſwear by *Iupiter* holding a ſtone in ones hand. [b] Many ſay that he did caſt that ſtone at an hogge or porker brought thither purpoſely, adding theſe words to the former; *Si prior populus Romanus defexit publico conſilio, tum ille Dieſpiter, populum Rom. ſic ferito, ut ego hunc porcum hodiè feriam*; alluding to which cuſtome *Virgill* ſaith,

Et cæſa iungebant fœdera porcâ.

The manner of denouncing warre hath been already ſhewn. The act of ſervice in warre was tearmed *Mereri ſub hoc vel illo duce*, that is, to ſerve in warre under this or that Captain; and whatſoever ſouldier was diſcharged of his ſer-

[a] Polyb. vid. Roſin. antiq. l. 10. c. 24.

[b] Sig. de jure Ital. l. 1. c. 1.

vice, as having serued out his whole time, he was called *miles emeritus*, & by [c] *Tully*, such a one is said *stipendia confeciſſe*. [d] *Seruius* hath obſerued that the *Roman* ſouldiers were preſſed three manner of waies: *per Sacramentum, Coniurationẽ, & Euocationem*: But [e] *Lipſius* cenſureth him for the amiſſe explanation of the laſt member. Therefore the indifferent reader ſhall give me leave to borrow the tearmes from *Seruius*; but the explanation of them partly from *Seruius*, and partly from *Lipſius* in the places now quoted. Ordinarily ſouldiers at their preſſe did each ſeuerally take their oath not to forſake their Captain or country; and this oath was called *Sacramentum militare*; the words thereof are rendred by [f] *Polybius* thus: *Obtemperaturus ſum, & facturus quicquid mandabitur ab imperatoribus, iuxta vires*; & thoſe were tearmed *Milites per ſacramentum*. [g] This ſort of ſouldiers were upon appointed daies as it were of publique Muſter, elected and choſen by the military *Tribunes* under the *Conſuls*: the aſſignement of the day did chiefly belong unto the *Conſuls*, at which time if any ſouldier withdrew himſelfe, & did not appeare, he was ſeuerely puniſhed, ſometimes by impriſonment, ſometimes by confiſcation of his goods, ſometimes by being ſold for a bondſlave. Vpon extraordinary occaſions (as whē tumults or commotions did cauſe any ſuſpicion of imminent danger) the chiefe leader of the ſouldiers did goe unto the Capitoll, and bring forth two banners or flaggs, the one red, called therefore *Vexillum Roſeum*, unto which the footmen repaired, the other sky-coloured, called therefore *Cæruleum*, which the horſemen followed. The reaſon why the horſemens banner was sky-coloured, is [h] rendred thus, becauſe it did moſt reſemble the colour of the ſea, which colour they deemed moſt acceptable to *Neptune* who was both the God of the ſea, and the firſt author of horſes. Now becauſe the ſuddaine danger would not yeeld ſo much time, that they might ſeuerally be ſhorne, therefore did they take their oath in common all together, only one chiefe ſouldier throughout

c Orat. pro lege Manil.
d Serv. l. 2. & 7 Æneid.
e Lipſ. de milit. Rom. lib. 1. dial. 8.
f Vid. Lipſ. de milit. Rom. l. 1. dial. 6.
g Lipſ. de mil. Rom. lib. 1. dial. 4.

throughout a whole legion, took his oath at large, and in expreſſe words,[i] the reſt followed in order one by one, ſaying καθάπερ ὁ πρῶτος, that is, that he ſwore the ſame as the firſt. If the *Tribune* diſtruſted his ſouldiers fidelity, then would he ſwear thē every one ſeverally in termes at large, and thence were they called *Milites per coniurationem*; as likewiſe *Milites ſubitarii* in reſpect of their ſuddain preſſe: The third member may alſo be admitted, if we with † *Lipſius* underſtand it in its true ſenſe, namely for thoſe ſouldiers who by the L. Generall were added unto the body of their army, he having authority to call out ſuch other ſouldiers, who for their long ſervice were diſcharged from giving in their names at a muſter: And theſe are generally by all authors tearmed *Milites evocati*, and *Lipſius* deemeth them all one, with thoſe whom *Servius* calleth *Milites per evocationem*. The ſouldiers being thus preſſed, if they purpoſed to make war upon their enimies, then did the L. Generall ſummon them to prepare themſelves by a ſound of Trumpets; & this was tearmed *Claſſicum cane, à calando*, which ſignifieth to call. Which being done, a skarlet banner was hanged out at the L. Generall his pavilion: frō which ceremony I think that that common adage did firſt ariſe, *Conferre ſigna, & Collatis ſignis pugnare*, to joyne battle. Immediatly upō this they did *Barritum tollere*, make a great ſhout or noiſe with their voices to the greater terror of their enemies: & that the noiſe might be the greater, they did *Arma concutere*, ruſtle together with their armour, and claſh their ſwords. Theſe foure ceremonies are to be ſeen more at large in [k] *Lipſius*. Vnto which we may adde the fift, obſerved by [l] *Fr. Sylvius*; namely that at the removing of their campe they did *conclamare vaſa*, give a great ſhout or cry in token that the ſouldiers ſhould truſſe up their bagge and baggage: & hence it is that [m] *Plautus* uſeth this phraſe, *Colligatis vaſis*, to ſignify as much as *paratè* or *expeditè*. Now that they might be the readier for battle, they did gird (as I ſuppoſe) their ſouldiers coats cloſe unto

[i] Lipſ. de mil. lib. 1. dial. 6.

† Lip. de mil. Rom. lib. 1. dial. 8.

[k] Lib. 4. de milit. Rom. dial. 11. & 12.

[l] In ep. viror. illuſt. l. 4. ep. 1

[m] Plaut. in Pſeudolo.

unto them; & a souldier thus girt was called *Cincturus*, that is, (saith *Pighius*) *Cinctu tutus.* [o] *Inde distinctos ignavos, & militiæ minime aptos putârunt, Præcinctos verò fortes, & strenuos.* Hence also is that proverbiall speech, *In præcinctu stare* or *Vivere*, to be in a readinesse continually.

Non pudet ad morem discincti vivere Natta. *Pers. Sat. 3.*

[n] Pigh. in suâ præt. ad lib. 1. septim.

[o] Alex. Gen. dier. l. 1, c. 20.

Cap. 2.

De Legione. Auxiliis. & Legionis partibus.

THE *Roman* forces were in old time divided into two severall parts; namely *in Legiones & auxilia*, into Legions and Auxiliary bands. The Auxiliary bands were such forces as the neighbour and confederate countries did send unto the *Romans*. The Legions were taken out of the body of the *Romans*, [p] *Legio, à diligendo dicta est*, from the choice and selecting of souldiers. [q] *Romulus* is said to have been the first author of these Legions, making every Legion to containe three thousand footmen, and three hundred horsemen, [r] one thousand footmen & one hundred horsemen being taken out of each nationall Tribe. Afterward it was augmented by *Romulus* himselfe into foure thousand footmen; [s] whence it was called *Quadrata legio*. And in processe of time a legion increased unto the number of six thousand: which number itseldome or never exceeded (as it appeareth by *Sigon.* in the place now quoted.) Now [t] none could be ordinarily registred for a souldier untill the seventeenth year of his age, [u] at which his first admission he was tearmed *Tyro*, a fresh-water souldier: and hence figuratively *Tyrocinium* hath not been translated only the first entrance into warre, but also the initiation or first entrance into any art or science whatsoever. After he had served many years, then was he tearmed *Veteranus*, an old beaten souldier. [x] The *Roman* legion was divided *In pedites & equites*, there being

[p] Plutarch. in Romulo.

[q] Rosin. anti. lib. 10. cap. 4.

[r] Sig. de jure Rom. l. 1. c. 15

[s] Sigon. ib.

[t] Alex. Gen. dier. l. 3. c. 20.

[u] Pancirol. l. rerum deperdit. cap. de habit. & vest. veter.

[x] Sig. de jure Rom. l. 1, c. 15

being commonly for every thouſand footmen an hundred horſemen. *Pedites diſtributi erant in Cohortes; Cohortes in Manipulos; Manipuli in Centurias: Equites diſtributi erant in Turmas, Turma in decurias.* The word *Cohors* doth ſignify that part of ground, which is commonly encloſed before the gate of an houſe, [y] which from the ſame word wee call a Court: [z] & *Varro* giveth this reaſon of the *Metaphor*. As in a farme houſe (ſaith he) many out-buildings joyned together make one incloſure: ſo *Cohors* conſiſteth of ſeveral maniples joyned together in one body. It is manifeſt (ſaith [a] *Alexand.*) that the *Romans* in ancient time did very ſeldome, yea never (except in great neceſſity) inroll into their univerſall army aboue foure legions: & in an ordinary legion, which he tearmeth *Legionem juſtam*, ten *Cohortes*; every *Cohors* cõtaining 3 maniples, every maniple two Centuries, every Century an hundred ſouldiers: whence they from *Centum* were called *Centuria*, a century. [b] Theſe centuries were ſometimes divided into leſſer numbers called *Contubernia*; every *Contubernium* containing ten ſouldiers beſides their captain, [c] which was called *Decanus*, and *caput Contubernii*. Where we muſt obſerve, that *Contubernium* doth ſignifie as well the pavilió or lodging it ſelfe, as the ſouldiers lodging therein: & it may be ſo called *quaſi contubernium*, from *Taberna* ſignifying any ſlight lodging made of boards. Thoſe that ruled over a thouſand footmen we may in Engliſh call Seriants maior: They called them *Tribuni militum*. Thoſe that governed over the centuries were called by them *Centuriones*, by us in Engliſh Centurions, and they had their inferiour officers under them which were called *Tergiductores*, or *Extremi agminis ductores*. [d] Their office was to overſee and look unto thoſe of the camp which were ſick, who commonly came behind the army, *quaſi extremum agmen, & tergum aciei*. The horſemen were divided into ſeverall troopes, called *Turmæ*, every *Turma* containing thirty horſemen. Again every *Turma* was ſubdivided into three leſſe companies called *Decuriæ*; every

[y] Edmunds in his obſerv. upon Cæſars Comment. lib. 2. c. 3.
[z] Varro lib. 3 de re ruſtica.
[a] Alex. Gen. dier. l. 1.
[b] Varro vid. Roſin. ant. Rom. l. 10. c. 5
[c] Roſin. ibid.
[d] Veget. vid. Roſin. ant. Rom. l. 10. c. 5

Decuria cõtaining ten horſemen: whence their captain was called *Decurio*, and the captaines over the greater troopes, namely over the ſeveral wings of the horſemen, were called *Equitum præfecti*. Now the chiefe governour over the univerſall army was called commonly *Imperator*: we in Engliſh call him a L. Generall. His Lieutenant or L. deputy was called *Legatus*, who in old time was ſent *non tam ad imperandum, quàm ad conſulendum imperatori*. This word *Imperator* in the Roman hiſtories hath a threefold acception: firſt it is taken for him, who by commiſſion from the ſtate hath the managing of an army, being the ſame that *Prætor* was in ancient time: and in this ſenſe it hath affinity with the office of our L. Generall. Secondly, for ſuch a L. Generall, who by his proweſſe having put one thouſand of his enemies to the ſword, was both by his ſouldiers ſaluted, and the Senate ſtyled by the name of *Imperator*. But if hee had ſlain leſſe then one thouſand, he was not thought worthy of this ſolemn ſalutation by that name. Laſtly it was taken for a ſoveraigne Prince, King, or Monarch, in which ſenſe it was the *Prænomen* of all the *Roman* Emperours, from *Iulius Cæſar* forward. Now becauſe the ſouldiers in a legion muſt of neceſſity differ much in eſtate, age, and experience, ſome being wealthier, elder, & of more experience then others; hence was it requiſite alſo that there ſhould bee a diſtinction of places in their armies, according to the deſert and worth of each ſeverall perſon. We are therefore likewiſe to underſtand that the *Conſuls* every yeare made a generall muſter: at which time the military Tribunes choſe out the youngeſt and pooreſt of all the reſt, and called them by the name of *Velites*. Their place in regard of other ſouldiers was baſe and diſhonourable, not only becauſe they fought a far off and were lightly armed; but alſo becauſe they were commonly expoſed to their enemies as forlorne hopes. According to *Lipſius* theſe *Velites* were cõmonly placed either *In Fronte, Viis*, or *Cornibus*. 1. In the front of the army. 2ly in the diſtances

[a] Lipſ. de mil. Rom. lib. 2. dial. 10.

[f] Barth. Latom. in Phil. orat. 14.

[g] Lipſ. de mil. Rom. l. 1. di. 3

[h] Lipſ. de mil. Rom. lib 4. dial. 3.

ſtances, or ſpaces between the ſeveral maniples. 3 In *Cornibus*, that is, in the wings of the battle: Not that the wings at any time conſiſted of thoſe *Velites*, for that was the *Soeii* and Auxiliary forces; but either the ſpaces in the wings were filled up by thoſe *Velites*, or elſe they might obtain a promiſcuous place among thoſe forrainers. Notwithſtanding they did like ſcouts run too and fro caſting out their darts (as occaſion was offered) and ſo retire: whence when a man doth leap from one thing to another in his talk, we ſay hee doth *Agere velitatim*. Having choſen out a competent number of theſe ſcouts, they proceeded to the choice of them, which they called *Haſtati*, that is, Pike-men: foraſmuch as they fought with a kinde of javeling, which the Romans called *Haſta*. Theſe pike-men fought in the firſt part or fore-front af the main army. The third choice which they made, was of the ſtrongeſt and higheſt bodied men, who for the prime of their age were called *Principes*: and hence was the ſecond place or ward in the main army called *Principia*, according to [i] *Thraſo* his ſpeech, *Ego ero poſt principia*, that is, I will follow rhe *Principes*; thereby chooſing to himſelfe the beſt, & ſafeſt place. The laſt ſort of ſouldiers, which ſtood in the third place or ward, were callled *Triarii*. They were of all, the moſt approved, and the very laſt help or refuge; ſo that if they failed, all was loſt: and hence ariſeth that forme of ſpeech, *Ad triarios ventum eſt*, [k] whereby wee ſignifie that a thing is come to the laſt puſh. As I ſuppoſe, the weapon wherwith theſe *Triarii* fought, was a dart with yron faſtned at the end of it, called in Latin *Pilum*. The reaſons of this my conjecture are theſe: firſt becauſe the firſt century of theſe *Triarii* was called *Primum pilum*, & their centurion *primopilus*, and *primipilus*, and *Primus centurio* becauſe he was the chiefe Centurion in a whole legion, as having the charge of the chiefe banner called the Eagle; [l] whence *Aquila* is ſometimes uſed to ſignifie *Primopilatum*, the office and place of the *Primopilus*. The ſecond Century was called *ſecundum*

i Terent. Eun. Act. 4. Scen. 7.

k Alex. Genial. dier l. 5. c. 15.

l Lipſ. de mil. Rom. lib. 3. dial. 1.

were perſonall or particular; there remaineth one which was generall, namely when the fault was generall, as in their uproares, conſpiracies, &c. Vpon ſuch occaſions the ſouldiers were called together, and every tenth man upon whom the lot fell was puniſhed with that kinde of cudgelling aboue ſpoken of; all the others eſcaped either without puniſhment or with very litle. The puniſhment it ſelfe was termed *Decimatio legionis*, and the reaſon of this kinde of puniſhment is rendred by *Tully*: *ut metus vizz ad omnes, pœna ad paucos perveniret*. Sometimes ſuch was the clemency of the L. Generall that he would puniſh only the twentieth, nay the hundreth man, and then was it called *viceſimatio, vel centeſimatio legionis*. Cic. pro Cluent.

Cap. 6.

De donis militaribus ob rem fortiter geſtam.

Concerning the rewards which were beſtowed in war, ſome were by the Senate conferred upon the L. Generall; others were by the L. Generall conferred upon his ſouldiers. Thoſe honours which the L. Generall received were three. Firſt *Nomen imperatoris*, of which before. Secondly *ſupplicatio*, that is, a ſolemne proceſſion continued for many daies together, ſometimes more, ſometimes fewer: all which daies the *Roman* people did obſerve as holy-daies offring up daily prayers and ſacrifices to the Gods in the behalfe of their L. Generall. The cuſtome being that after ſome notable victory, the ſouldiers having ſaluted their chiefe captain (whom I call their L. Generall) by the name of *Imperator*, then would he ſend letters unto the Senate dight with lawrell, wherein he required both that name to bee confirmed & approved by them, as likewiſe that they would *Decernere ſupplicationes*, that is, appoint ſuch ſolemne ſupplications. Thirdly, they honoured him at his comming home alſo with a triumph: *Triumphus vel major, vel minor erat*, ſaith

Alexander. The leſſer kinde of triumph was properly called *Ovatio* [z] *ab ove*, from a ſheep, which in this time of his triumph was led before him, and afterward ſacrificed by him, as alſo in the greater triumph (called properly *Triumphus*) the L. Generall ſacrificed a bull: It differeth from the greater triumph firſt in the acclamation, for in the leſſer triumph the ſouldiers following did as it were redouble this letter O & ſome are of opinion that it was therefore called *Ovatio*. In the greater triumph the ſouldiers followed crying *Io triumphe, Io triumphe*: an example whereof may be ſeen in [a] *Horace*, where he deſcribeth the triumph of *Bacchus*, the firſt author of this greater triumph; from whoſe [b] name alſo divers Authors doe derive this word *Triumphus*, hee being in Greek called θριαμβὸς, which by a little change is made *Triumphus*. Secondly they differed, becauſe in the greater Triumph, the L. Generall did weare a garment of ſtate, called by ſome *Trabea*, [c] by others *Triumphalis, Picta, vel Aurata veſtis*; likewiſe a garland of lawrell, riding in a chariot, the *Senators* themſelves with the beſt of the *Romans* meeting him his ſouldiers with their coronets, their chaines, & other rewards following after: But in the leſſer triumph the L. Generall did weare a plain purple gown without any gold imbroadering, and a garland of mirtle tree, [d] commonly going on foot, ſometimes permitted to ride on a horſe; the gentlemen and commonalty of *Rome* alone without the *Senators* did meet him. Moreover for a perpetuall memory of this their triumph in ſome publike place certain trophies were erected. [e] *Tropheum monumentum dixere, nunc marmoreum, modò æneũ, cum inſcriptione & titulis ævo perpetuo duraturis.* [f] *Dictum eſt, ἀπὸ τῆς τροπῆς, id eſt, à converſione*, from making the enemies to retire and turn back. Sometimes there were ſtatues, columnes, and arches built in token of triumph. Theſe arches though commonly they were [g] known by the name of *Arcus triumphales*, yet ſometimes they are called *Fornices*, whence it is that *Tully* calleth *Fabians* triumphall arch

[z] Salmuth. in Pancir. l. rerũ deperd. cap. de triumph.

[a] Ode. 2. l. 4.

[b] Salmuth. in Pancir. l. rerũ deperd. cap. de triumph.

[c] Alex. Gen. dier. l. 6. c. 17.

[d] Dion. Hal. lib. 5.

[e] Alex. Gen. dier. l. 1. c. 22.

[f] Serv. Æneid. lib. 10.

[g] Fr. Sylv in orat. Cic. pro Cn. Plancio.

arch *Fabianum fornicem*. If it ſo hapned that the *Roman* Generall himſelfe perſonally, did take away any ſpoiles frō the chiefe captain of the enemies, then did hee hang them up in a temple conſecrated to *Iupiter Feretrius*; who was ſo called,[h] becauſe as the *Romans* cōceited, without the ſpeciall aſſiſtance of *Iupiter*, *Dux ducem ferire non poterat:* theſe ſpoiles had the name of *Optima ſpolia*, that is, Royall ſpoiles. The rewards beſtowed upon the ſouldiers were divers: either places of office, as the place of a Centurion, of a *Præfectus*, a *Decurio*, *&c.* or their pay was increaſed, the ſpoiles diſtributed amongſt them, or laſtly they receaved certaine gifts termed *Dona militaria*. In ancient times thoſe ſouldiers which had beſt deſerved, received a certain meaſure of corne called by them *Adorea*; [i] and hence it is, that *Adorea* is now uſed to ſignifie ſuch laude and praiſe, as is due unto a ſouldier. But after ages for the better encouraging of the ſouldiers, have found out more honourable rewards, of which [k] theſe were the chiefeſt; *Armilla*, that is, a bracelet for the handwreſt; *Torquis*, a chaine to weare about their neck; *Phaleræ*, horſetrappings; *Haſta pura*, that is, a ſpeare having no yron at the end of it, (it is ſometimes called *Haſta donatica*, and *Haſta graminea*;) Laſtly *Coronæ*, crownes, of which *Aul. Gel. lib. 5. cap. 6.* obſerveth theſe to haue been the chief: 1. *Corona triumphalis*, which in old time was made of Lawrell, but afterward of gold, and thence was it called *Corona aurea*: it was ſent by the *Senate* unto the L. Generall in honour of his triumph; Secondly *Corona obſidionalis*, which was given by the ſouldiers unto the Generall, when they were freed from a ſiege: it was made of graſſe growing in that place, where they were beſieged, whence it had the name alſo of *Corona graminea*. Now the reaſon why they made this crown of graſſe growing in the place where they were beſieged, was thereby to yeeld up their right in that place unto their captain: for by that ceremony, as [m] *Pliny* obſerveth, they did *Terra & ipſa altrice humo & humatione*

h Alex. Gen. dier. l. 1. c. 14.

i Alex. Gen. dier. l. c. 18.

k Sig. de iure Rom c. 25.

l Roſin. ant. lib. 10. c. 27.

m Plin. lib. 22. cap. 4.

etiam cedere. And hence it is, that in races & the like masteries, he that was overcome, did gather some of the grasse of that place, & give it unto the conquerour, as a token that hee did acknowledge himselfe conquered; [n] this is the reason of that Adage, *Herbam dare*, that is, to yeeld the victory. Thirdly, *Corona civica*, which was bestowed only upon him, which had saved a citizens life, [o] though in processe of time it was also bestowed upon the L. Generall, if he spared a Roman citizen, when he had power to kill him. It was commonly made of oake; whence it was called *Corona quercea.* And this I take to be the reason why in *Ovids* time the Emperour had alwaies standing before his gates, an oak tree in the midst of two lawrels, as an Emblem denoting two worthy virtues required in all Emperours and Princes; first, such whereby the enemie might be conquered; secondly, such whereby citizens migh tbe saved, Vnto this *Ovid* seemeth to allude, speaking of the lawrell tree,

[p] *Postibus Augustis eadem fidissima custos*
Ante fores stabis, mediamq; tuebere quercum.

Fourthly, *Corona Muralis*: [q] Hee only was honoured with this, which did first scale the wals, & enter first into the enemies city, and hence this crown was put upon the circlet or top like unto the battlements. Fiftly, *Crona Castrensis.* This the L. Generall bestowed on him, which first entred into the enimies tents; it did beare in it the resemblance of a Bulwark or at least of the mound, wherewith the bulwark was strengthned; which mound was called in Latine *Vallum*, & thence the crown it selfe was often qalled *Vallaris corona.* Sixtly, *Corona navalis*, with which he was honoured, which first entred into the enimies ship in a battle upon sea: it was portrayed with many ship-beakes called in Latine *Rostra*, [r] whence the crowne it selfe was often called *Corona Rostrata.* That Roman *Hercules Siccius Dentatus* obtained almost all those severall rewards, and that each many times. Lastly, *Corona ovalis*, it was made of Myrtle-tree, the L. Generall

n Salmuth. in Pancir. 1 rerum deperd. cap. de coronis.
o Pigh. l. Tyrannif.
p Ovid. Met. lib. Fab. 9.
q Dion. Hal. lib. 10.
r Pigh. l. Tyrannif.
s A. Gel. noct Attic. l. 2. 6. 11

nerall uſed it in the leſſer kinde of triumphs called *Ovationes*, from whence the Coronet it ſelfe was named *Ovalis*. It was then beſtowed when the Herald had committed ſome errour in denouncing war; or when the enimies conquered were of mean rank and place, as ſervants or Pyrats; or elſe if the victory were gotten without bloodſhed or great hazard, the enemies yeelding without reſiſtance. *In quibus impulvereis & incruentis victoriis, aptam eſſe Veneris frondem crediderunt, quod non Martius, ſed quaſi Venereus quidam triumphus foret.*

FINIS.



INDEX RERVM ET Verborum maxime insignium.

A Litera in tabula, scita, quid significet. 135
A. litera salutaris 246
Abdicere quid? 170
Abire Flaminio 55
Acca Laurentia quæ & ei cur sacra instituta? 47
Accensi qui? 169
Accipere fiduciam 240
Accumbendi ratio apud Romanos qualis? 122
Acerra quid 78
Acciaci ludi 94
Actiones redhibitoriæ quæ? 180
Actus in fabula nec plures, nec pauciores esse debent, quam quinq;. 180
Addicere quid significet? 170
Addicti bona quæ? 170
Addicti servi qui? 33. 170
Adiicialis cœna quæ? 66
Adorea quid 275
Adscriptus civis quis? 215
Adversaria 137
Adulterium quid? 157
Advocatus fisci 183
Ædes sacra 22
Ædes Saturni 13
Ædiles unde dicti? 179
Ædiles Ceriales qui, & unde dicti? 180
Ædiles Cutules qui, & unde dicti? 180
Ædiles plebeii qui? 180
Æra Corybantia, & unde dicta? 64
Ærarii qui? 188
Ærarium unde dictum 13
Ærarium quomodo differat à fisco 183
Ærarium militare 13, 182
Ærarium sanctius 13
Ære diruti qui, & quare dicti? 271
Æs { Grave. / Signatum } 240
circa *Æs* & libram 233
per *Æs* libram venditio 240
Æsculapii insula 15
Æstimo unde? 228
Αἰὲν ἄριστος quid? 100
Agere ad populum 216
cum populo 216
Agere de plano quid? 208
Agere forum quid 15
Agere pro tribunali quid 208
Agere velitatim 259
Aggere proprie quid 261
ad *Agnatos* & gentiles deducendus est. Prov. 233
Agonales Salii 57
Agonalis mons 5
Agones qui & unde dicti 70
Agones Capitolini 93
Agones Quinquennales 94
Agrariæ leges. vid. leges
Agri Scriptuarii 269
Alæ aciei 260
Alarum præfecti 260
Alba toga quomodo differebat à candida 152
Albi dies qui 132
Albo-galerus 55
Altare quid & unde dict. 35

Alte-

Alte præcincti pro expeditis dicti 151
Ambarvales hostiæ 47
Ambulatoria cœna 126
Amici pop. Rom. 270
Amicus & Socius Senat. & pop. Ro. 270
Amphitheatrum quid 19
Amphora Attica 218
Amphora Italica 218
Amphora mellaria 62
Ampliari quid 244. 245. 246
Ampliatio quid 246
An { auctor esset / sponderet / satisdaret } 249. 250
Ancile cœlo delapsum 57
Andabatæ & Andabatarum more. 104
Angues pinge duos, id est, duos genios 40
Angusticlavia 155
Angusticlavii 155
Annalis lex 220
Anniversariæ feriæ quæ 133
Annonæ præfectus 180
Annua lex 169
Annulati pedes 204
Annulus in nuptiis dari solitus 72
Annus à Romulo institutus 128
quasi annulus 128
Bissextilis 130
Iulianus 129
Lunaris 128
magnus & vertens 130
Ante-cœnii quid, & unde dictũ. 121
Antepilani qui 269
Antesignani qui 238
Antiquo quid significet 386
In *Aniliam* damnari 205
Apex quid 55
Apex pileorum genus 59
Apollinares ludi qui 88
Aqua & igni interdicere 188
Aquila pro primipilatu 259
Ara quid & unde dicta 23
Aræ quare gramineæ dictæ 23
Ad te tanquam ad *Aram* confugimus 4
Arca custodiæ genus 196
Archigallus quis & unde dictus. 63
Arcus triumphalis 274
Arena 19
in *Arenam* descendere 19
Arenarii qui dicti 19
Aries Machinæ genus & ejus descriptio 265
Arietem emisit prov. 59
Arma concutere 255
Armamaxæ 85
Armilla donum militare 275
Armis versis pugnare 100
Arvales fratres qui, quot, & unde dicti 47
Aruspices unde dicti 48
As 212. 229. 234
Asiatica Creta 269
Asylum 3
Ad te tanquam ad *Asylum* confugimus 4
Atellanæ unde dictæ 106
Atri dies qui 132
Auctio quid 225
Auctor quis 225
Auctorati quales gladiatores 99
Auctoritas, jus dominii 235
Augurandi ceremonia 49
Auguratus semel alicui datus, eidem dum vixerat, adimi non potuit. 49
Augures unde dicti & eorum numerus initio; & deinceps quantus. 48
Auguria impetrativa 50

Auguria Oblativa 50
Auguria prospera & adversa quando dicta 50
Augurum Collegium 49
Augustales ludi 97
Augustus Octavius Cæsar dictus. 171
Avibus bonis & malis quid 48
Avis sinistra quid significet 51
Aurigarum factiones 91
Aurum Coronarium quid & unde dictum 224
Auspicari rem quid 48
Auspices quasi Avispices 48
Auspicii bonis, malis 48
Auspicium coactum quid, & unde dictum 51
Auxilia quæ 256
Axare quid 51

B

B. F. in senatus consultis quid significet 162
Balista quid, & unde dicta 263
A *Band* of souldiers cur sic dict. 260
Bandophori 261
Bandum 260
Barritum tollere 255
Basilica pars templi quæ 20
Basilica Pauli quæ 9.10
Basilicus jactans in ludo tesserario. 114
Bellare cœstu quid 92
Bellam quomodo indici solitum? 59
Berecynthia unde dicta 63
Bessis quid 224
Bestiarii qui 202
Biclinium unde dictum 122
Bissextilis annus qui 130
Bissextus dies quis 130
Bralia 57
Bona Dea & quare dicta 62
Bupetii ludi 97
Bustuaria qui & unde dicti. 80.99
Bustum quid & unde dictum. 80.99

C

C. Litera condemnationis nota. 246
Caballus mons 5
Caliharis hasta 72
Cælius mons 5
Cæsar, Iuventutis Princeps 172
Cæsar Nobilissimus 172
Cæsares 171.172
Caius. Caia mariti & uxor dicti. 73
Calantica 156
Calata Comitia 134.233
Calcei lunati 157
Calcei mullei 157
Calcei vincinati 158
Calculi Palamediaci 118
Calendæ 130
ad *Calendas* Græcas 130
Caligæ 158
Calumniam jurare, dejurare 245
Calumniari, Prævaricari, Tergiversari quomodo differunt 239
Campus Martius quare dictus Tiberinus 15
Campus Sceleratus 14
Candida Toga 153
nomenclatio } in *Canditatis*
assiduitas } in *Canditatis*
benignitas } in *Canditatis* requisita 149
Blanditia } in *Canditatis*
Candidatus Principis 153
Candidatus Quæstor 153
Candidatus unde 148
Canis & Canicula, jactatus in ludo tesserario 114
Canon, ut *Canon* Alexandrinus urbis Romæ

Romæ &c. Iureconsultis quid? 227
Capita vel navim, ludi genus 120
Capite censi 145
Capite damnatus 168
de ejus *Capite* quærito 247
Capitis dimicatio 163
Capitis diminutio, maxima, media, minima 187
Capitolini { ludi / agones. } 93
Capitolinus mons 4
Capitolium unde? 4
Capnomantes 53
Caput contubernii 257
Caput Porcinum in bello quid, & quare dictum? 260
Carcer ab Ergastulo differt 195
Carceres in circo quid & unde? 17
à *Carceribus* ad metam 17
Carptor 124
Castoris templum. 12
Catapulta quid & unde. 293
Κατάφρακτοι 107
Κατάφρακτοι ἵππεῖς 107
Catastrophe vitæ humanæ 177
Καθαίρεσις ὁ σφῆνος 205
Cavea quid 18
Cavea item quod amphitheatrum. 19
Caveæ quæ pares Amphitheatrum 19
Causæ Capitales 168
Cedere de gradu 101
Celeres qui & unde? 160
Celerum tribunus 160
Cenſio hastaria 271
Censor, Censoria virga 165
Census quid significet? 234
Centesimatio legionis 273
Centrones qui, & unde dicti 194
Centum-viri 167.210
Centuria quid? 257
Centuria Prærogativa 141
Centurio 145
primus *Centurio*. 259
Centuriones 238.257
Cerata tabulæ 137
Cereales ludi. 84
Cereri sacrificat. Prov. 45
Ceres quomodo effingi solita? 45
Cerites, prima municipes 270
Cerites tabulæ. 270
Cervi, pars aggeris, quare dicti? 261
Cestus 92.157
Chius, quid in talorum ludo? 113
Chloris Flora dicta 8
Chorus tam è viris, quàm mulieribus constabat 108
Cibarie lèges 228
Cimiliarchium quid? 13
Cinctura laxior 150
Cinctura astrictior 150
Cinctus Gabinus 150
Cincturus 356
Circenses ludi 89
Circumvenire quid signif. 214
Circus quare dicitur fallax? 17
Circus maximus 16
Ciſpius collis 16
Cives originarii 32
Civilis dies quomodo dividitur? 132
Civis reptitius 30
Civitate donatus 32
Clam an palam 239
Clarigatio quid? 59
infra *Claſſem* 145
Claſſici scriptores 145
Claſſicum canere 146.255
Claſſicus 145
Clientes qui? 27
Clodius accusat mœchos, Prov. 63
Coactum auspicium 51

Codex unde? 138
Codex ſupplicium quale. 198
Codex robuſtus, locus in carcere. 196
Cœna unde dicta 121
Cœna abjicialis, Pontificia 66
Cœna ulmea 125
Cœnæ caput 125
Cognoſcere & pronunciare quomodo differunt 10
Cohors 257
Cohors prætoria 183
Coire quid ſignif. 214
Collatis ſignis pugnare 255
Collegii Magiſter 49
Colligatis vaſis 255
Collina 26
Collis Salutaris, Martialis, Latiaris 5
Collis Ciſpius, Oppius, Septimius 5
Collis hortulorum 7
Collumbar 198
Colonia Romana 267
Coloniæ deductio 297
Coloniæ Latinæ 268
Coloniæ Italiæ 268
Comeſſatio 121
Comitia & comitium quomodo differunt 11
Comitia calata 134. 233
Comitia centuriata 135. 145
Comitia Pontificia 135
Comitia Ædilitia 135
Comitia Tributa 135 147
Comitialis dies 134
Comitialis homo 134
Comitialis morbus 142
Comitium quid & unde? 10
Comœdiæ unde, & ejus partes 106
Comœdiæ & Tragœdiæ differentiæ quædam 106
Comperendinari quid propriè 244. 245
Compitales ludi 97
Conceptivæ feriæ 133
Conclamare vaſa 255
Conclamatum eſt 77
Concubium 132
Conditione tua non utar 75
Confarrearo 72
Conferre ſigna 255
Congiarium 148
Conſcripti patres quomodo primum dicti 148
Conſuales ludi 89
Conſul 163
Conſul major, prior 164
Conſularis vir 165
Conſules Honorarii, ordinarii 165
Conſules non Honorarii, & ſuffecti 165
Conſul olim Neptunus dictus 89
Contendere ex provocatione, *contendere* Sacramento 250
Conticinium 132
Contubernium, *Contubernii* Caput 257
Convivarum quantus numerus 123
Convivia Romanorum quàm varia 125
Κοῖλα ὄρη χίου 113
Cornix felix auſpicium in ſponſalibus. 72
Cornu dextrũ vel ſiniſtrũ aciei. 260
Cornua in libris quid 139. 140
Corona Caſtrenſis, Vallaris 276
Corona Civica, Quernea 276
Corona Muralis 276
Corona Navalis, Roſtrata 276
Corona obſidionalis, Graminea. 275
Corona Ovalis 276. 277.

Corona

Corona Triumphalis, aurea 275
Coronæ, dona militaria 275
Coronarum usus in conviviis 124
Sub *Corona* quid 267
Coronis quid 139
Corybantes unde 64
Corybantia æra 64
Cothurnus 110
Cõiis 113
Crepusculum 132
Creta Asiatica 269
Cretata ambitio 153
Cretulæ usus in literis signandis. 138
Cribrum Carnificinum 194
Crux 192
Cultus 198
Cultrarii 70
inter *Cuneos* residere 19
Cuneus in theatris quid 19
Cuneus militum quid, & cur dictus 260
Cuniculi 266
Cuniculis oppugnare 266
Carla per se quid signif 5
Curia per se idem aliquando quod domus Curialis 48
Curia { Hostilia / Pompeia / Iulia } 6
Curiæ olim apud Rom. quot 47
Curiales Flamines 47
Curialis domus 48
Curio Maximus 48
Curiones Flamines dicti 55
Curiones sexaginta 47
Curionia 48
Curulis sella 164
Custodes qui 136
Custodia lignea 196
Cybelle, vel *Cybele* 63
Cybelleius circulator 64

D

Damnari in metallum, & *Damnari* in opus metalli 260
Damnatio ad bestias 203
Damnatio in gradium 202
Damnatio in ludum 202
Damnatus voti 98
Dapes Saliares 58
Datatim ludere 119
Datores in pilæ lusu 119
Dea bona 62
Dea viri placa. 75
Debitores quomodo tractari soliti 33
Decanus quis 257
Decem-viri 60.173
Decem-viri stlitibus judicandis. 209
Decimatio legionis 273
Decretoria tela 100
Decumæ Decumanus 211.269
Decumanus idem quod maximus, & quare 262
Decunx 234
Decuriæ. 127.210.257.258
Decurio 212
Decurio quot significet 267
Deiectio è saxo 201
Delubrum quid & unde 21
Deorum mater 63
Depontani 16.135
Deputatio 189
Desultorium ingenium 15
Desultorius equus 15
Deunx 224
Devorat sacra haud immolata 71
Devovere diis inferis quid 27
Dialis Flamen 54
Dianæ mons 6
Dicam scribere 236
Dicam sortiri 246
Dictator 174
Die noni, pro die nono 97
Diem alicui dicere 245

Dies & atri 132
Dies biſſextus 130
Dies civilis quomodo dividitur? 132
Dies comitiales 134
Dies faſti, ex parte faſti, & nefaſti. 134
Dies feſti, feriati, profeſti, interciſi 132
Dies juſti 33
Dies perendinus 233
Dies tertius 233
Dies poſtriduani & Ægyptiaci. 132
Diffarreatio. 73
Diffindere diem 242
Digito provocare 105
Digitum attollere, deditionis ſignum 135
item emptionis 225
Dii & *Divi* quomodo differunt. 36
Dii animales qui 37
Dii communes 38
Dii conſentes maiorum gentium } 36
nobiles }
Dii patrii, *Dii* tutelares 38
Diiiratis aliquid facere 38
Diluculum 132
Diludia in fabulis 439
Dimachæri 104
Dimicare ad certum 100
Dimidiatus aper omnia habet eadem quæ totus, Prov. 229
Diminutio Capitis, maxima, media, minima. 117
Diribitores 136
Diſtincti qui 256
Diſcumbendi ratio 122
Diſcus 70, 119
Diviſores 149
Divortium 75
Do, dico, addico 134, 170
Dodrans 234
Domus Curialis 84
Dona 273. &c
Donatica haſta 175
Dubia cœna 125
Ducere uxorem 75
Duella 234
Duum-viri ſacris faciundis 60

E

Eculeus 199
Edictum unde 169
Edictum peculiare & novum 169
Edictum peremptorium 245
Edictum perpetuum 169
Effari templa quid 21
Elephantini libri qui 14
Eleuſina Ceres dicta 44
Elogium quid 193
Eloquentiæ candidatus 153
Emancipati qui 232
Emancipati deſierũt eſſe agnati. 232
Emancipatio 232, 243
Emiſit arietem, Prov. 59
Empti de lapide, de furca. 201
Emtor quid 107
Epulonum Triumviri 66
Equeſtriæ 18
Equeſtris ordo 18
Equi κτυπιοὶ & ἀρραιοὶ 190
Equitum diſtributio 257
Equitum magiſter 157
Equitum præfecti 258
Equus militaris 29
Equus publicus 29
Equus ſolis 90
Ergaſtulum unde dictum. 195. 204
Ἔφιπποι ὀδόντες quid Gellio ſignif. 262
Ἑπτάχαλκοι qui dicti 203
Eſquilina tribus 26
Eſquilinus mons 6
Eſſedarii qui 104
Ἐυκνήμιδες Ἀχαιοὶ apud Homerum. 48. 104
Euripidis jactus in teſſeris 117

Exaggero unde 261
Exequiarum ritus 78
Exercitoria tela 100
Extispices qui, & unde dicti 53
Extramurâneus cur Mars appellatus 57
Extremi agminis ductores 257

F

Fabiani Luperci 44
Fabianus fornix 275
Fabulæ palliatæ & togatæ 110
Factiones albæ & russeæ 91
Factores in pilæ lusu 119
Fagutalis Iupiter 7
Fagutalis mons 7
Familiæ appellatione quid aliquoties significatur 105
Familiaris pars in victimis 53
Fana sistere 21
Fanum quid & unde dictum 20
Farracia quid 73
Fartor 148
Fasces pro magistratu 161
Fasces submittere 161
Fasti dies, & ex parte *fasti* 134
Fatua, *Fauna* } bona Dea appellata 62
Fax prima 132
Februarius unde dictus 43
Feretrius cur Iupiter dictus 275
Feriæ Imperativæ, & Indictiv. 133
Feriæ Latinæ 133
Feriæ privatæ, publicæ, anniversariæ stativæ, & conceptivæ 133
Feriati dies 133
Ferre legem 143
Festi dies 133
Fidei flamines 59
Fidiculæ 200
Fidus idem olim, quod fœdus 59
Figere legem & refigere 143
Figere tabulam 143
Fiscus ab Ærario differt 183
Flagella Triumviralia 207
Flagra taxillata 207
Flama 54
Flamen dialis, Martialis, Quirinalis } 54
Flamines quot & unde dicti 54
Flamines Curiales 55
Flamines majores, & minores 55
Flaminiæ ædes 55
Flaminicæ 55
Flaminicæ & Flaminiæ 55
Flaminio abire 55
Flamineus 72
Flexumines 160
Flora Dea 7
Florales ludi 87
Floralis turba 87
Focus quid & unde dictus 24
pro aris & *Focis* certare 24
Fœciales unde dicti 58
Fœdus quid 270
Folium Sibyllæ, v. *Cybelle* folium
Follis, pila qualis 119
Forfex, seu *Forceps* militum, 206
Fori in circo maximo quid 16
Fornices 274
Fornix Fabianus 275
Forum quot modis sumitur 8
Forum agere 8
Forum indicere 8
Forum Augusti 9
Forum Iulium 9
Forum Palladium 9
Forum Romanum, & *Forum* vetus. 9
Forum Salustii 9
Forum Trajani 9
Forum transitorium, & cur sic dictu 9

Fratres arvales qui, quot, & unde dicti. 47
Fraudario ſtipendii. 271
Fregit ſubſellia. 93
Frumentariæ leges. 227
Frumentum æſtimatum. 228
decumanum.
emptum.
imperatum
Funalia unde 81
Fundus & Fundamentum cœnæ. 125
Funus. 81
de *Furca* redempti 201
Furcâ ſupplicium 190. 194
Furcifer unde. 190
Fuſti cædi. 272
Fuſtuarium meretur. 272

G.

Galli Cybelles ſacerdotes. 63
Galli gladiatores quales. 103
Gallica quid 127
Gallicinium. 132
Gemoniæ ſcalæ ubi. 201
Genialis quid ſignif. 40
Genialis arbor quæ. 39
Genialis lectus 75
Genio indulgere. 40
Genium defraudare. 40
Genius bonus & malus 38
Genius loci 40
Geno idem quod gigno. 39
Gladiatura 98
Gladius judicii s quid 168
Globus militum 260
Gradivus à gradiendo 57
Gradus in gladiatura quid 101
Græca ſacra, *Græca* ſacerdos. 45
Graminea ara, haſta, corona, v. *Ara*, *Haſta*, *Corona*.
Grande ſophos quid 94
Gymnici ludi 92
Tyrannia,

H

Hæredes ex toto aſſe
Hæredes in ima cera
Hæredes legatarii 137
Hæredes primæ ceræ.
Hæredes ſecundi
Hæredes ex de unce
ex quadrance 235
ex ſemuncia
ſextula aſperſus
Hæres fiduciarius, & imaginarius 233
Hæres in totũ aſſem inſtitutus, 234
quomodo differt ab *Hærede* ex toto aſſe 235
Harpaſtum 119
Haſta Cœlibaris. 72
Haſta Centumviralis 168. 210
Haſta pura.
donatica 275
gaminea.
Haſta pura donati. 271
Haſtæ judiees 161
Haſtæ ſubjici. 225
Haſtaria cenſio 271
Haſtati qui 238. 259
Helepolis genus machinæ deſcribitur. 266
Hemones aliquando homines dicti. 37
Herbam dare. 276
Herculeſ. jactus in teſſeris 114
Hiſtrio unde dictus 105
Homini mortuo oſſa ne legito 80
Homo Comitialis. 134
Homo incerti laris 41
Homo omnium ſcenarum 108
Homo plurimarum palmarum 101
Homo ſacer. 179
Hoplomathorum armatura. 103

Horrea Sempronia. 227
Horti Saluſtini 9
Hoſtia unde dicta 68
Hoſtiare victimam 68
Hoſtilia Curia 6
Hoſtilii pars in victimis 53
Hymen Hymenæe. 75

I

I.D.T.S.P. quid 245
Iacere in ſenatu 163
Iactus pronus, plenus, ſupinus, inanis 117
Ianiculus mons 8
Ianuarii 58
Idus 243
Ientaculum unde dictum 121
Igni & aqua interdicere 188
Ignobiles qui 30
Ignominioſa dimiſſio 271
Ignota capita. 29
Ilicet quid ſignif. 81
Illotis manibus accedere ad rem 69
Illotis pedibus 69
Imago idem quod nobilitas 30
Immolatio 69
Imperativæ feriæ 133
Imperator 258
Imperator quot ſignif. 17 & 258
Imperatoris nomen donum militare. 273
Eſſe cum *Imperio* quid 222
Imperativa auguria 50
Inauſpicato 48
Incenſinarium 13
Incenſus 234
Incerare genua deorum 98
Inceſtus unde 157
Indicere forum quid 8
Indicta cauſa damnari. 214
Indigites 36
Inducia. 270
Inferiæ 80
Ingenii qui 32
Intre viam 249
Iniuſtus vindiciis & ſactamentis alienos fundos petere. 252
Inſcripta ergaſtula. 240
Inſcripti ſervi 206
Intendere actionem, vellitem 245
Intercalarii dies 129
Intercelere. 143
Interciſi dies. 133
Inter rex 174
Intervallum quid 261
Intonuit lævum 51
Io triumphe 374
Ironcalia, ludi genus 89
Italum robur 196
Iudicatum ſolvere 244
Iudices haſtæ 168
Iudices lecti ſortione editione, edititii alterni } 243
Iudices quæſtionum 210
Iudices ſelecti 210
Iudicium dare 249
Iudicium decuriæ 237
Iudicium rejectio 246
Iudicium ſortitio, ſub ſortitio. 246
ſub *Iugum* quid. 267
Iunones 39
Iunonii 58
Iunus ſive *Iuvus* aliquando nomen Panis. 53
Iupiter Feretrius quare dictus 275
Iurare calumniam, ſive in litem. 245
Iurare Iovem lapidem, vel per Iovem lapidem 253
Iure vocatæ centuriæ 147
Ius & lex quomodo differunt. 208
Ius honorarium 169
Ius Papyrianum 209
Ius pro loco in quo Prætor Iudex ſedebat. 248

in Ius vocare 208
in Ius vocatio 245
Iusta 79
Iuvenales ludi 111

L

A Litera Græcis ampliationis signum 247
Lacerna quid 156
Lacernatus oppositus togato 256
Læna qualis vestis 49
Lævum in rebus sacris quid 51
Laminæ 200
Lanii cum contionabulis 189
Laniſtæ qui 105
Laux 70
Lapis manalis 57
Lapis pro mille passi. 172
Laquearii quibus armis pugnare soliti 104
Lare sub parvo 41
Lares 41
Lari sacrificat 41
Largitio 149
Lata fuga 189
Latiaris collis 5
Laticlavia, Laticlavis 155
Latinæ feriæ 133
Latini nominis socii 215
Latinus quis 215
Latro & *Latrunculus*, unde dicti 118
Laudare defunctum pro rostris 76
Lectus genialis & adversus 75
Legatio mandata, votiva, libera. 219
Legatus 258
Legatus quot significat 185
Legio quid, & unde 256
Legio Alaudarum 138
Legio justa 257
Legio quadrata 256
Legionis decimatio, vicesimatio, centesimatio. 273
Legionis divisio 25
Lemniscata palma 101
Lemniscus quid 101
Lessum 82
Lex & jus quomodo differunt. 208
Lex Curiata, Centuriata 143
Legis promulgatio 141
Leges Agrariæ 226
de Ambitu 241
Cibariæ 218
de Civitate & jure civium 214
ad Comitia spectantes 216
duodecim tabularum 173
Lex duodecim tabularum de vindiciis 248
Leges Frumentariæ 227
de Iudicibus & judiciis 236
de Legibus 221
de Magistratibus 219
Majestate 241
Re Militari 231
Pecuniis repetundis 243
Provinciis 222
Religionem spectantibus 211
de Senatu & Senatoribus 218
Sumptuariæ 228
Tabellariæ 217
de Testamentis 233
de Tutelis 231
de Vsucapione 235
Lex accusatoria 236
Lex Acilia 244
Acilia Calpurnia 241
Ælia 216
Antia 239
Antodia 237
Ateria 186
Atinia 235
Aurelia 237
Cœlia 217
Cassia 217
Cicilia Didia 221

Lex Cincia 238
Claudia 218
Clodia de Comitiis 217
de cypro 224
de Frument. 227
de Interceſſ. 221
de Magiſtrat. 220
de Provinciis 224
ad religionem ſpect. 213
Cornelia Agraria 226
de Iudicibus 239
de Magiſtratibus 210
de municipiis 215
de Provinciis 222
de Siçariis, Veneficio, & Parricidio 247
Sumptuaria 230
Lex Didia 230
Domitia 113
Lex Fabia 241
Fannia 229
Furia 234
Fuſia 216
Lex Gabinia Comitialia 217
militaris 231
Gellia Cornelia 216
Lex Hieranica 218
Hircia 220
Lex incerta de nexu 239
Iudicaria Cæſaris 237
Iulia de Iudiciis 237
de Majeſtate 241
de Provincii 223
Iunia de pecuniis repetundis, 244
de Peregrinis 215
Iunia Licinia de trinundino, 221
Lex Lætoria 232
Licinia de Sodalitiis 242
Sumptuaria 230
Licinia Æbutia 222
Lex Licinia Mutia 215
Livia 236
Lex Mancipii 240
Manilia comitialis 218
Militaris 231
Memnonia 239
Muneralis 239
Lex Otchia 229
Lex Papia 214
Papiria ad religionem ſpectans. 211
ad comitia ſpect. 218
Plautia 237
Pompeia 237
Portia 214
Lex Quadrupli 235
Lex Rhemnia 239
Roſcia 211
Rupilia 136
Lex Sempronia Agrariæ 226
de Civitate 214
de comitiis 218
Frumentaria 227
de judiciis 236
de Provinciis 222
Servilia de Civitate 215
de Iudiciis 236
Locialis 244
Sylvani & carbonis 215
Lex Terentia caſſia 227
Titia 223
Tullia de Ambitu 242
de Senat. 218
Lex Valeria 222
Varia 141
Varinia 224
Voconia 130
Labamina prima 70
Libatio 69
Libellos djicere 225
Libera toga 152
Liberi alii Ingenui, alii *Libertini* 32

Libertī 31
Libitini Libitinarii 78
Libitinarius idē quod capularius. 78
Libri unde? 136
Libripens unde 240
Lictores qui & unde 160
Lignum incidere 138
Litare 70
Lite vel causa cadere 210
in Litem jurare 245
Litis contestatio redemptio, æstimatio quomodo differunt 244
Litenati 206
Lituus 49
Loculi 18
Lusores 26
Lucina Dea quæ 73
Lucus unde dictus 23
Ludorum Romanorum divisio 83
Ludi honorarii 98
Ludi Iuvenales 111
Ludi Plebeii 96
Ludi quinquennales 94
Ludi Romani, Magni Consuales, Circenses 89
Ludi sacri 83
Ludi seculares 95
Ludus Trojanus 110
Lugere differt ab elugere 82
Lupa alsit Romulum, & Remum expositos 43
Lupercal ubi 43
Lupercalium origo & ceremoniæ 43
Luperci Fabiani 44
Luperci Quinctiliani 44
Lupercorum licentia 44
Lustoria tela 100
Lustrum 166
Lustrum condere 166

M

Machinæ bellicæ 269
Machinis oppugnare 266
Mactare hostiam 70
Magister per se quid 188
Magister Collegii 49
Magister Equitum 175
populi *Magister* 175
Magistratu abire 148
Magistratum ambire, inire 148
Magistratus quis 159
Magistratus majores 140. 159
minores 159
Magistratus patritii, plebeii 159
Magistratus Quinqueduanus 174
Magna mater 63
Mala mansio 196
Malleoli, genus machinæ 266
Mancipatio 232 240
Mancipatio fiduciaria 240
Mancipatus, *Mancipium*. 240
Mancipes 269
res *Mancipi* 239. 242
Mane 132
Manes, mali genii 39
Manibus illotis accedere ad rem, 69
Manibus, pedibusque discedere in alicujus sententiam 162
Manipulares 238
Manipuli 257
Manipulus militum 260
ex jure *Manu* consertum te voco. 249
Manum conserere, *Manus* consertio 248. 249
Manumissionis formula 32
Manus in ludo gladiatorio 117
Manus in ludo tesserario 117
Mars effingi quomodo solebat. 57
Marte proprio 56
Marte vario pugnatum est 56
Martiales ludi 88
Martialis collis 5
Mater Deorum 63
Mavors 57

Megalenses

Megalenſes ludi 83
Megalenſis purpura 84
Megaleſia 83
Mellaria amphora 62
Menſes Romanorum quales 128
Merenda unde dicta? 121
Merert ſub hoc vel illo Duce. 253
Meridiani qui 204
de *Meridie* 132
ad *Meridiem* 132
Meridies 132
Meta 17
Metallum 265
Μηδύσματα 64
Miles emeritus 354
Militares mulcta 271.&c.
Militaria dona 273.&c.
Militaris teſtudo 262
Milites per ſacramentum conjurationem } 254
evocationem, ſeu evocati } 255
Milites Pilani 260
Prætoriani 183
Subitarii 155
Mimi qui, & quare Planipedes dicti. 106
Mimicæ fabulæ 106
Minervii 58
Minuritio 96
Miſſio 101
Mitra 156
Mitriaci 64
Mittere vel dimittere Iudices in cõſilium. 346
Modiparator in conviviis 124
Molæ 69
Monas, talorum jactus 113
Monitor 148
Mons. Aventinus, Dianæ mons, Murcius, Remonius, ſacer. 5
Mons Cœlius, Querculanus 5
Mons Capitolinus, Tarpeius, Saturni 4
Mons Eſquilinus 5
Mons Palatinus 3
Mons Quirinalis, Agonalis, Cabulus 5
Mons Vaticanus 8
Mons Viminalis, Faguralis 7
Montorius 8
Morbus Comitialis 141
Morbus Sonticus 242
Moribus deductio 249
Mulcta ſuprema, minima 186
Mulctæ militares 271.&c.
Mullei calceorum genus unde? 157
Munerarii qui? 98
Municipium quid & unde? 270
Municipium ſine ſuffragio 270
cum ſuffragio 270
Munus pro gladiatura 98
Munus honorarium 170
Munus offendere 203
Murcia Venus dicta 6
Murcius mons 6
Murrhata, *Murrhina* potio 81
Muſcæ in conviviis qui? 124
Muſculus, machinæ genus 262
Mutare veſtem quid? 153
Mydas, jactus teſſararum 116
Myrmillones. 103

N

NL. quid ſignif. 246
Naulum Charonis 80
Nefaſtus dies 134
Nervus 197
Nexi qui 33
Nexus 133.239.240
Nomen idem quod debitum 33
Nomina facere, liberare, exigere. 33
Nominis delatio 245

Nomenclatio. Nomenclator 149
None 130
Nongenti qui 136
Novi qui dicti 29
Nox intempesta ad mediam *Noctem.* media *Nocte* de media *Nocte* 132
Nucibus relictis 120
Numelli 198
Numeri in ludo tesserario 113
Numerus stesichorius 115
Nummus prò sestercio 212
Nuncio 142
Nuncium mittere, remittere 76
Nuncupare vota 97
Nuptiæ 72
Nuptiæ innuptæ 73
Nuptiæ sacramento ignis, & aquæ. 74
Nuptialia dona 75
Nympharum ædes 167

O

Obnunciatio 142
Observatio de cœlo 142
Obtrectarum usus in bellis 104
Olympica certamina 92
Omen prærogativum 141
Onager machinæ genus, ejusque descriptio 264. 265
Opera & impensa periit 92
Operam & oleum perdidit 92
Optima spolia 275
Opus collis 6
Ops 62
Optimates qui 38
Oracula Sibyllina 61
Orbele, gladiatores quidam sic dicti 40
Orbis militum 260
Orcæ quis usus in ludo tesserario. 116
Orchestra 18
Ostendere munus 203
Ovatio quid & unde 274
Ovem unum 187
Ovilia, locus in campo Martio 16
Ovi cum Mundo similitudo 86
Ab *Ovo* ad mala 125
Ovum in Cereali pompa quid 36

P

Pactio quid 270
Paeanas concinere 96
Παιανίζειν & μυνειζειν opponuntur. 96
Paganica pila 119
Palamediaci calculi 118
Palatia unde dictu 3
Palatina tribus 206
Palatini ludi 97
Palatini Salii 57
Palatinus mons 3
Palla 16
Palliatæ fabulæ 110
Palliati pro Græcis dicti 150
Pallium 150
Palma quare victoriæ signum. 101
Palma lemniscata 101
Palmarum plurimarum homo. 101
Palmata toga 154
Paludamentum 154
Pan Lyceus & ejus forma 43
Papyrus 136
Parma & Parmularius 103
Parricidii Quæsitores 168
Parricidium quid 198. 247
Paterfamilias aliquando lanistem denotat 105
Pater Fiduciarius 232
Pater Patratus 59
Patibulum 194
Patres. Conscripti quando primum dicti 28

Patricii qui 27
Patroni qui 27
Pauſicape quid 205
Pecuarius 269
Pecunia ablata, capta, coacta, conciliata, averſa 243
Pecuniæ repetundæ 243
Pecuniam occupare 244
Peditum diſtributio 257
Peira quid 263
Pendere idem quod ſolvere 240
Penula 156
Penulam mihi ſcidit 124
Perduellis, *Perduellionis* iudicium 217
Pergamena à quo inventa 137
Perones calceorum genus 158
Peſſinuntia 63
Peſſinuntius ſacerdos 213
Petaurum 118
Phaleræ, donum militare 275
Picta toga 154
Pignora, cædere, condere, rapere, auferre 163
Pila paganica & trigonalis 119
Pilani Milites 260
ad *Pileum* vocare 32
Pileus in re gladiatoria quid 102
Pileus ſignum libertatis 32
Pileus quomodo differt à palma, miſſione & rude 102
Pilum quid 259, 260
Pinarii 46
Piſtrinum quid & unde 205
in *Piſtrinum* te dedam 205
Planipedes exſalceati 306
Plebeii qui 27
Plebiſcitum 143, 211
Plumbea charta 138
Poculum boni genii 40
Poculum Charitatis 40
Pœnæ quibus in hoſtes victos utebantur Romani. 267. &
Pœnæ, quibus in ſuos milites utebantur 171
Poetæ lauriati 93
Pollicem convertere 104
Pollicem premere 104
Pollinctores 77
Pomœrium quid 3
Pompa 85
Pompa Circenſis 86
Pontus pro toga 152
Pons ſublicius 65
de *Ponte* dejiciendus 16
Pontes per quos ſuffragia tulerint apud Romanos qui 16
Pontifices unde dicti 65
Pontificia cœna 65
Popæ 68
Populares 31
Popularia 18
Porcus Trojanus 220
Porta à portando 2
Portitores qui 269
Portorium, *Portarium* unde 269
Poſtſignani 232
Poſtulatio, *Poſtulare* aliquem de hoc vel illo crimine 245
Potitii qui 45
Præciæaiæ hoſtiæ 68
Præcincti qui 256
in *Præcincta* ſtare vel vivere 256
Præconi publico ſubjici 224
Prædes 269
Præfectura 268
Præfectus Ærarii 182
Præfectus annonæ 180
Præfectus Prætorio 182. 183
Præfectus Vrbis 172. 173
Præficæ 78
Præludium 100
Prærogativa tribus vel centuria. 141
Prætexta toga 154

Prætextata ætas 154
Prætextatæ 106
Prætextatus à togato differt 154
Prætor urbanus seu major 167
Prætor peregrinus seu minor 167
Prætores unde 163,182
Prætores Cereales 167
Prætores fidei commissarii 167
Prætores Quæsitores 168,210
Prætoria decemviralis 210
Prætorium quot significet. 182
Prævaricari, calumniari, & tergiversari quomodo differunt. 239
Prandium 121
Prasinæ factiones 91
Pridie Calendas 131
Prima fax 232
Prima libamina 70
Primum pilum, *Primopilus*, *Primipilus*, *Primopilatus* 259
Princeps juventutis 110. 172
Principes inter milites Romanos qui 238.256
Principia quæ 259
ego ero post *Principia* 259
Principium in Comitiis 142
Privatæ feriæ 133
Procensul 148
Professi dies 133
Profiteri apud Prætorem 215
Proletarii 145
Prologus quid sit 108
Prologus διαβολὴ, συκοφαντία, ἀπορία 198
Prænon 21
Promittere Vadimonium 245
Promulgatio legis 141
Pronunciare & cognoscere quomodo discrepant 16
Proœmium cœnæ 225
Pro-prætor 184
Pro-quæstor 185
Proscænium 18
Proscripti qui 188
Πρόσωπα 107
Provincia quot significet & unde dicta 268
Provinciam cepisti duram 268
Provinciæ Consulares 184
Prætoriæ
Provincias comparare 184
Sortiti
Provocatores sive probatores. 104
Publicanus quis 269
Pugnatoria tela 100
Pulla toga 153
Pullarius 52
Pulpitum 18
Pulvinar idem aliquando quod tēplum 22
Punctum pro suffragio 136
omne tulit *Punctum* 126
Purpurea toga 154
Puteal Libonis 11
Puteus 196
Pyrgus Horatio quid 116
Pyrrhico Saltatio 111

Q

Quadrans quid 234
Quadrata legio 256
Quadruplatores 235
Quæsitatores Patricidii 168
Quæsiones perpetuæ 168
Quæstor unde 177
Quæstores Ærarii 177
Quæstores Provinciales 185
Quæstores rerum capitalium 178
Quæstores Vrbani 177
Querculanus mons 6
Quincunx quid 134
Quindecim-viri, sacris faciundis. 60
Quinque-viri epulonum 66
Quinque-viri mensani 181

Quintilis mensis 130
Quirinales Salii 57
Quirinalis Flamen 54
Quirinalis mons 5
Quirinus nomen Romuli 54

R

Recepduxit 160
Receptui canere 146
Recta cœna 225
Recuperatores 167
Reddere 70
Refigere legem 143
Regina sacrorum 56
Reguli pro talis 115
Relegatio 189
Rem ratam habere 244
Remonius mons 9
Renunciare quid significat? 76
Renunciatio Matrimonii 76
Repetunda 243
Repotia 72
Repudium 75
Res tuas tibi habeto 75
Retiarii qui & unde dicti? 102
Retiarii tunicati, & *Retiariorum* spongiæ 102
Reus voti 98
Rex Romanorum 172
Rex sacrificulus, & *Rex* sacrorum. 56
Rhamnenses qui? 26
Rhea 63
Rignarius mons 7
Robur, locus in carcere 195
Robur Italum 196
Rogare legem 143
Rogus 80
Roma unde dicta? 3
Roma Vrbs septi-collis 3
Romana urbs nomen incognitum 38
Romani Civis descriptio 15
Romani ludi 89
Romano more pro ex animo 55
Romulum & Remum expositos lupa aluit. 43
Rostra ubi fuerint, & unde dicta, 9 11
pro *Rostris* laudare defunctum. 79
Rude donatus 132
Rudis apud Gladiatores quid? 101

S

Sacer homo 197
Sacra per se quid signif. 73
Sacra Græca 45
Sacra haud immolata devorat 71
Sacramento & sponsione provocare, rogare, quærere, stipulari 450
Sacramento contendere, restipulari. 250
Sacramentum in jure quid? 250
Sacramentum militare 254
Sacrarium quid? 23
Sacri ludi qui? 83
Sacrificia, & ritus *Sacrificandi* 68
Sacrilegus unde? 80
Sacrosanctus quis dictus? 178
Seculum quantum temporis 95
Sagum quid? 151
ad *Saga* ire 157
Saga togæ cedant, idem quod cedant arma togæ 151
Saliares dapes 58
Salii quot & unde dicti? 57
Salii Palatini, Collini, Agonales, Quirinales. 57
Salii quales pileos gestent 58
Saltatio Pyrrhica 111
Salva res est, saltat senex 89
Salustiani horti 9
Salutaris collis 5
Salutaris

Salutaris litera 246
Samiis nemo literatior 206
Samnites 103
Satisdare judicatum solvi 250
Satisdare rem ratam habere 251
Satisdatio quid? 250
Saturni ædes cur ærarium populi. 13
Saturni mons 4
Satyra quale genus carminis 106
Satyræ 106
Scalæ Gemoniæ 201
Scena in fabulis quid? 18, 108
Scend in theatro quid? 18
Scena Tragica, Comica, Satyrica 190
Scena versatilis vel ductilis 18
omnium *Scenarum* homo 108
Scenæ unde dictæ? 17
Scenici ludi 84, 105
Scorpio, machinæ genus. 264 265
Scorpiones flagella qualia 207
Scriba. 168
Scriptura, vectigalis genus cur dicta 269
Scripturarii agri 269
Scrobiculus 23
Secespita 70
Sectatores 241
Sectores 225
Secundum illum litem do 201
Secundum pilum, secundi pilus, &c. 260
Secutores gladiatores quales 103
Sella Curulis 164
Eburnea 164
Semidei 36
Semissis 217, 234
Semones quasi Semi homines. 37
Semuncia 234
Senaculum 161
Senator 161
Senatores minorum gentium 28
Senatores Pedarii 162
in *Senatu* stare 163
ad *Senatum* referre 162
Senatus 161
Senatus Prinreps 262
Senatus consultum 161
Senatus-consultum de Ambitu. 242
Senio in talis 113
in *Sententiam* alicujus ire 162
Septa, locus in campo Martio 16
Septem convivium, novem convivium faciunt 123
Septemviri Epulonum 66
Septicollis urbs 3
Septimius collis 8
Septunx 234
Sepulchrum 81
Sepultura in sepulta 81
Sequestres 149
Servi addicti 33
Servorum duo genera 33
Sestertius 212
Sexagenarii de ponte dejiciendi 135
Sextans 234
Sextilis mensis 130
Sextricium 193
Sextulæ 234
Sibylla unde dicta 61
Sibyllæ quot 66
Sibyllæ folium 61
Sibyllæ folia colligere 61
Sibyllina oracula 61
Sica & Sicarius 103
Sigma quid, & quomodo olim figuratum? 112
Signa conferre & calatis *signis* pugnare 255
Signare vota 97
Signatores 71
Silatum 121
Silicernium quid 81

Sinistra avis 51
Sinistrum in rebus sacris 51
Sistere fana 21
Sisto Iure consultis quid 246
Siticines 78
Praefica instrumenta quibus Vestales ignem incendebant 67
Socii, *Socii* Latini nominis 270
Socius senatus, populiq, Rom. 270
Sodalitia, Sodales 243
Solea 127
Solis occasus 132
Sophocleo digna cothurno 210
Sordidatus unde 133
Sortibus æquatis 141
Sortitio subsortitia Iudicum 256
Spectio 142
Sphinx in Pronao quid signif. 21
Spoliarium 198
Sponsalia 71
Sponsione & sacramento provocare, &c. Vid. *Sacramentum* &c.
Sponsiones. depositæ pignora 91
Sportula 125
Stativæ feriæ 133
Status in gladiatura quid 101
Stefichorius jactus 115
Stimulo fodere 194
Stimulorum supplicium 190
Stipendium, *stipendiarii* 268
Stipendio confeciſſe 254
Stipendii fraudatio 271
Stipes noxiales 200
Stipulari, restipulari 250
Stola quid & unde 150
Stuprum 157
Stylus quot significet 139
Stylum invertere 138
Subbasilicani apud Plautum qui, 10
Sublicius pons 65
Subscriptores 236
Subsellia 10
Subsignani 208
Suburrania 26
Succidaneæ hostiæ 68
Succidaneum tergum 68
Suffragia explere 148
Suffragia legitima conficere. 148
Suffragiorum puncta non tulit septem 136
Sumptuariæ leges 228
Suovetaurilia, *Solitaurilia* 166
Superstites pro testibus 248
Supplicatio, donum militare 273
Supplicationes decernere 273
Supplicia Romanorum 186
Supplicium more majorum 191
Supplicium servile 292
Suram date 120
Suspensa bona 225
Sylla, perpetuus Dictator 221
Synthesis 64

T

T. Litera Senatus Consultis subscripta quid 179
T. Græcis litera absolutionis, & quare 247
Tabellæ 137
Tabellarius 137
Tabernariæ 106
Tabulæ accepti & expensi 137
Tabulæ Ceratæ 137
Tabulæ Publicæ novæ / Auctionariæ. 137
Tabulam figere 143
Tabularium quid & unde 14
Tæda quid 74
Talassio quid signif. 74
Talio 207
Talus 113
Tarentini ludi 95
Tarpeia lex de mulctis 187

Tarpeia rupes. 4
è *Tarpeia* rupe dejectio 201
Tarpeius mons 4
Tarsenses qui 26
Taurilio 97.66
Tela lusoria exercitoria 100
Templum 20
Templum Auguribus certa cœli regio 50
Tergiductores 257
Tergiversari 239
Tessera quid 112
Tessera militaris, frumentaria, nummaria, hospitalis 112
Tesseram hospitii confregit 113
Tesserarius ludus 112
Testamentum per æs & libram. 233
Testamentum calatis comitiis 235
233
Testamentum per emancipationem familiæ 233
Testamentum per nexum 233
Testamentum in procinctu 233
Testudo quid significat 262
Testudo militaris 262
Θ damnationis symbolum apud Græcos 247
Theatrum quid & unde 17
Thensa 85
Thraces gladiatorum genus 103
Tintinnabulorum usus in suppliciis 189
Titii 66
Titulus in suppliciis 193
Toga unde dicta 150
Toga alba, candida, pura 152
Toga picta, purpurea, palmata 154
Toga prætexta, purpurea 154
Toga pura quid. 151
Toga triumphalis 154
Togæ virilem sumere 152
Togata mulier pro impudica 150
Togatæ fabulæ 110
Togati proi Romanis dicti 150
Tormentum quid & unde 265
Torquis, donum militare 275
Trabea 154.254
Trabea Auguralis } 155
Regia }
Consecrata }
Tragœdiæ & Comœdiæ differentiæ quædam 106
Tres sex, aut tres tesseræ 116
Tria nomina 33
Triarii 238.259
ad *Triarios* ventum est 259
Tribuni ærarii 178
Tribuni militum 175.257
Tribuni plebis 178
Tribuni Rutili, Rufuli 176
Tribuni suffecti, Comitiati 178
Tribunus Celerum 169
Tribus χωρια, & νεμη 25
Tribus jure vocata 141
Tribus locales, quot. 26.147
Tribus prærogativa, 140
Tribus Rusticæ 148
Tribus Urbanæ 148
Tributarii 268
Tributum quid, & quotuplex 168
Triclinium unde dictum 122
Tridens inter retiarios quid 103
Trigon quid 234
Trigonalis pila 119
Trinundinum 131
Tripudium 49.51
Tripudium Solistimum 52
Triumphales arcus 274
Triumphalis vestis 274
Triumphus unde dictus 274
Triumphus ab Ovatione quomodo differt 273.274
Triumphus major, minor 273
Triumphus majorem propriè significat 274

Trium viri agro dividendo 226
Trium-viri Capitales 181.196
Trium-viri Coloniæ deducendæ. 181
Trium-viri conquirendi juvenes idoneos ad arma ferenda 181
Trium viri Epulonum 66
Trium viri Mensarii / Monetales. / nocturni 181
Trium viri Reip. constituendæ. 117
Trium viri valetudinis 181
Troia 110
Trojanus ludus 101
Trophæum unde 274
Tressuli 160
Tullianum 195
Tunica pallio propior 155
Tunica laticlavia / Angusticlavia / Recta 155
Tunica supplicii genus 201
Turma 257
Turres ambulatoriæ 262
Tutela 231
Tutela Testamentaria / Legitima / Dativa / Fiduciaria / Honoraria 232
Tutores honorarii 232
Tiro, Tirocinium 256

V

VR. tabulis inscript. quid sig. 135
Vacationes 213
Vadari reum 245
Vadimonium promittere 245
Valla, Valli 161
Vallus vitem decepit Prov. 262
Vbi tu Caius, ibi ego Caia 73
Vectigal 269
Velitatim agere 268
Velites 258
Venditio per æs & libram 240
aliud est *Ventilare*, aliud pugnare. 100
Venus in tesseris quid? 114
Venis armis pugnare 100
Vexæ, & vexillones qui, & unde dicti? 79
Vesper 132
Vestales Virgines 66
Vestes Romanæ 150
Veteranus 256
Vexillariones unde & quare 260
Vexillum unde 260
Vexillum Roseum 254
Vexillum Cæruleum. 254
Vicesimarium aurum 13
Vicesimatio legionis 273
Victima unde dicta? 68
Victimam hostire 68
Victimarii 70
Vigiliæ 132
Viminalis mons 7
Viminens Iupiter 7
Vindicatio quotuplex 249
Vindicias sumunto 248
Vindicta liberate 32
Vinea quid? 262
Vingh cædi 207.272
Virgula censoria 166
Viri-placa Dea 75
Visceralio 82
Vitis centurionum 146
Vlmea cœna 125
Vltimum supplicium 119
Vmbilicus in libris quid 140
Vmbræ in conviviis qui 124
Vncia quid 234
Vngulæ 200
Vnum pro omnibus 245.246
Volumen unde dictum 139

Vota nuncupare 97
Voto signare 97
Voti reus 98
Voti vel voto damnatus 98
Votivi ludi 97
Vouere ludos vel templa 97
Vnouia quid 100
Vrna 80
Vt tu Dominus, ita ego Domina. 73
Vulturii pro talis 73
Vxor unde 74
Vxor { usu / confarreatione / coemptione } 73

X

Xoloxumia 271

Z

Zona quid 156
Zonam perdere 156
Solvere 156

FINIS.



Carna dubia, et Ambulatoria, quæ . . . 1
A Carceribus ad mibam . . . 17

Some of the Rx. Churches were brought, because they accounted it an hainous matter to see those gods confined under a roofe, whose domge good resulted in domag abroad they had also their Pranden, or Churchporch, where about they were wont to have the Image of the boar Sirmed Grimne was so famous for his obscure riddle) to signifie that the Oracles of the gods which were treated of within the Churches were darke & mysticall. 21.

Scrobiculus, Ara, et Altare, me quibus deum? &c. 23.
Me noie turba, o Ignota capitis? &c. 29.

Dorotheus

